

Vicksburg Zoning Ordinance

Central Mississippi Planning and Development District

September 2016

An ordinance adopting zoning regulations and a zoning map for the property within the corporate limits of the City of Vicksburg, Mississippi

VICKSBURG CITY OFFICIALS

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ZONING ORDINANCE

AN ORDINANCE ADOPTING ZONING REGULATIONS AND A ZONING MAP FOR THE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF VICKSBURG, MISSISSIPPI.

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

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

WHEREAS, the Mayor and Aldermen of the City of Vicksburg, Mississippi, after study and review of this Zoning Ordinance and Official Zoning Map and public hearings in accordance with Section 17-1-15, consider the regulations and zoning classifications contained herein to be in the best interest for the health, safety and general welfare of the citizens of Vicksburg, Mississippi;

NOW IT SHALL SO BE ORDAINED AND IS HERBBY ORDAINED BY THE MAYOR AND ALDERMEN OF THE CITY OF VICKSBURG, MISSISSIPPI AS FOLLOWS:

ARTICLE I: TITLE, PURPOSE, INTERPRETATION, REPEAL AND SEVERABILITY

SECTION 101. TITLE.

This ordinance shall hereby be entitled the “Vicksburg Zoning Ordinance” and shall hereafter be referred to and known under such title.

SECTION 102. PURPOSE.

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

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

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

The items highlighted above are from the current ordinance, do we want to use them, add to them or delete them and add new ones.

SECTION 103. INTERPRETATION.

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

SECTION 104. SPECIFIC REPEALER; GENERAL REPEALER.

The following ordinances and all other ordinances and parts of ordinances inconsistent herewith are hereby repealed:

- 104.1 The Zoning Ordinance of the City of Vicksburg, Mississippi, being sections 1 through 31, inclusive, of Ordinance 71-8, effective August 12, 1971, as amended.

SECTION 105. SEVERABILITY CLAUSE.

If, for any reason, one (1) or more sections, headings, clauses or parts of this ordinance are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance, but shall be confined to the specific sections, headings, clauses or parts of the ordinance held invalid, and the invalidity of any section, heading, clause or part of this ordinance in any one (1) or more instances shall not affect or prejudice in any way the validity of this ordinance in any other instance.

ARTICLE II: DEFINITIONS AND WORDS

SECTION 200. RULES FOR WORDS AND PHRASES.

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

SECTION 201. DEFINITIONS.

Abandonment: The relinquishment of property, structure and/or sign or a cessation of the use of such by the owner for a period of sixty (60) days.

Accessory apartment: A second dwelling unit in an existing single-family detached dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling and cannot be rented or used as a rental dwelling and can only be used by a relative within the third degree or employee of the occupant of the single-family detached dwelling if the employees’ job duties are the care for the house or the occupant of the house.

Accessory structure: A structure detached from a principal building on the same lot and incidental and subordinate to the principal building or use and meet setback requirements. It also must have similar architectural style, roof pitch, and building materials.

Accessory Structure, Garage: A structure detached from the principal building for the parking of vehicles.

Accessory Structure, Storage: A structure detached from the principal building for the storage of tools, equipment, and products for the care and maintenance of the principal building and grounds.

Accessory use: A use of land or of a building or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. Examples of a residential accessory use are storage and home occupations. Examples of a commercial accessory use are storage, a big box retailer selling gasoline, a retail business selling propane bottles outside its building.

Access way: A path, route, etc., that provides access to a specific destination or property, as to a public beach or state park or place of business.

Activity: As the term pertains to this ordinance, it means a function, operation, service or action to achieve a desired result.

Adult entertainment anatomical areas, specified:

1. Less than completely and opaquely covered:
 - a. Human, genitals, pubic region;
 - b. Buttocks;
 - c. Anus;
 - d. That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the tope of the areola. This definition shall include the entire lower portion of the female breast.
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statues or any other laws of the State of Mississippi.

Adult arcade: An establishment where, for any form of consideration one (1) or more motion picture projectors, like projectors or similar machines for viewing by five (5) 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” or “specified anatomical areas.” Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statues or any other laws of the State of Mississippi.

Adult bookstore: An establishment which has a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one (1) or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations, which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”; or
2. Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statues or any other laws of the State of Mississippi.

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 sexual activities” or “specified anatomical areas.”

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi or the ordinances of the City of Vicksburg relating to nudity, indecent exposure or lewd dress.

Adult entertainment employee: any and all persons, including, but not limited to, managers, entertainers and independent contractors, who work in or render any services directly related to the operation of an adult entertainment business.

Adult entertainment entertainer: any person who on any occasion provides adult entertainment within an entertainment business, as herein defined, whether or not a fee is charged or accepted for entertainment or whether or not the entertainer is paid.

Adult entertainment manager: Any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of an activity involving adult entertainment occurring at any adult entertainment business.

Adult entertainment 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.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.

Adult motion picture theater: An establishment where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction of “specified sexual activities” or “specified anatomical areas.”

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.

Agriculture accessory structure: A structure detached from a principal building on the same lot and incidental and subordinate to the principal building or use such as farm buildings,, windmills, silos, buildings or shelters for farm equipment and machinery, water wells, water reservoirs, or storage tanks; buildings or structures required for housing, nurture, confinement or storage of animals, products, or other uses lawfully produced or permitted on the property; roadside stands for the purpose of displaying and selling agricultural or farming products which are grown or produced on the premises on which said stand is located, said stand shall not exceed 300 square feet and will be limited to one (1) stand per parcel; buildings for storage, packing and processing of fruits and vegetables grown on the premises.

Agriculture uses: Farms, vegetable gardens, orchards or nurseries for the growing of plants, shrubs and trees and provided that no obnoxious soil or fertilizer processing is conducted thereon, ponds, for livestock, fish or fowl, cattle and horse farms, excluding stockyards, auction yards, slaughter facilities and feedlots.

Alley: Any public 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 and for fire protection.

Alternative Financial Service Providers (AFSP's): A term that describes the array of financial services offered by providers that operate outside of federally insured banks and thrifts. Check cashing businesses, pay-day loan agencies, title loan companies, pawnshops, and tax refund advance companies are AFSP's (see individual definitions of these terms).

Apartment: A dwelling unit composed of a suite of connecting rooms located in a multiple family structure for occupancy by one family only, either rented or leased to the occupants and including permanent provisions for living, sleeping, eating, cooking, and sanitation. See also Condominium.

Arcade, amusement: Any electric or electronic machine (e.g., pinball, video games) which provides amusement, enjoyment, or entertainment and which may be operated upon the insertion of a coin or token. The term shall not include juke boxes, children's mechanical rides (e.g. horses, rocket ships), or machines that sell merchandise.

Arterial Street/Highway: See Street.

Automotive Maintenance Services (minor): Routine maintenance activities performed on a vehicle either by the owner/operator or by maintenance personnel. The following activities are considered routine: engine tune-up; changing of plugs, filters, oil, lubricants, belts; change and rotate tires; brake services; radiator flushing; battery services; muffler services; adjusting timing and fuel injectors services; and top-off all fluids. Also considered minor repairs.

Automotive (major) repair services: Buildings and premises wherein major mechanical and body work is performed on vehicles. Such activities include engine overhaul or dismantling of subparts; body or frame repair; windshield or glass replacement; transmission, starter, alternator or other subpart rework service; welding or metal cutting; and any other repair other than "minor repair" or routine maintenance.

Banquet/Reception Hall: A facility rented out for private events whether family, group, or corporate in nature, where access by the general public is restricted. Banquet halls may allow live entertainment and dancing, however, such live entertainment or dancing shall not be the primary use of the facility. Alcoholic beverages may be served subject to state law requirements and local ordinances. Security shall be provided for events open to the general public by the owner at a rate of three (3) security guards per 200 guests. Does not include churches and other religious institutions.

Bar: - See Nightclub.

Basement: A story completely or partially underground. For the purpose of height regulation, A basement shall be counted as a story when building code requires a story. Refer to the adopted building code of the City of Vicksburg.

Beacon: Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one (1) or more beams that rotate or move.

Bed and breakfast inn: Generally, a residential establishment in which the owner or his representative resides on the property and wherein units are rented to transient guests on an overnight basis. For the purposes of this Ordinance, it is a property or structure individually listed on the National Register of Historic Places or designated as a “Vicksburg Landmark” in accordance with the Vicksburg Historic Preservation Ordinance, pursuant to the procedures described in said ordinance, where guided tours of the premises may be conducted, and lodging and/or meals may be provided to tourists. Also known as Tourist Home.

Bike Lane: A portion of a roadway, which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

Bike Path: A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right of way or within an independent right-of-way. It is also referred to as a shared use path.

Bike Route: A portion of a roadway designated by the jurisdiction having authority by signing as a preferred route for bicycle use only. Bicyclists and motorists “share the road” on this type of facility.

Bikeway: Any road, path, or way that is specifically designated for bicycle travel.

Boarding house/Rooming House: A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling. It includes common areas such as hallways, dining areas, bathrooms, and kitchen. Each person rents individually from the owner and does not occupy the structure as part of a family. In most cases, the occupant shares a bathroom and cooking facilities.

Buffer zone: A strip of land identified on a site plan or by the zoning ordinance, which acts to separate two (2) or more incompatible uses and/or districts. Normally, the area is landscaped and kept in open space use.

Buildable area: The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance has been met.

Building: Refer to the adopted building code of the City of Vicksburg.

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. This is to prevent the deliberate building up of a portion of the site on which the building will sit in order to permit an additional story to be constructed. Refer to the adopted building code of the City of Vicksburg.

Building Line: See setback line.

Building Permit: A permit that is obtained from the Building Official granting permission to construct, build, remodel, or alter any structure.

Building, Portable: Any building that is portable in nature, without any wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation. Building permits are required prior to the placement of such buildings on any lot.

Building, principal: The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Building, public: Any building held, used, or controlled exclusively for public purposes by any department or branch of government, municipal, county, state, or federal. This includes city halls, police and fire stations, libraries, schools, post offices, park facilities, museums, etc.

Building, semi-public: Any building, structure, or facility owned or operated by a religious, non-profit, or eleemosynary institution whose primary purpose is for educational, cultural, religious, or eleemosynary usage.

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

Campground: An area or tract of land, managed as a unit, providing short term accommodations for cabins, tents, tent trailers, travel trailers, campers, and recreational vehicles, and which is primarily used for recreational purposes and retains an open air or natural character.

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 or portion of a dwelling, which is not completely enclosed and is designed for the parking or storage of private passenger vehicles.

Cemetery: Property used for the interring of the dead. ALL cemeteries are considered public/quasi-public facilities.

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 center/facility or day care center: There are two (2) classes of child care facilities:

1. Class A facility, home-based child care/family child care home: An occupied residence in which shelter and personal care is regularly provided for five (5) or less children who are not related to the provider or operator within the third degree computed according to the civil law to the provider and who are under the age of thirteen (13) years of age and are provided care for any part of the 24-hour day. These homes may be voluntarily registered with the Mississippi State Department of Health.
2. Class B facility, group child care center/facility: A place which provides shelter and personal care for six (6) or more children who are not related to the provider or operator within the third degree computed according to civil law and who are under the age of thirteen (13) years of age and are provided care for any part of the 24-hour day. This includes day nurseries, day care centers and any other facility that falls within the scope of the definition set forth above, regardless of auspices, according to the Mississippi State Department of Health.

Excluded from these two (2) definitions are facilities operating as kindergartens, nursery schools or Head Start in conjunction with an elementary and/or secondary school system, whether it be public, private or parochial, where the primary purpose is a structured school readiness program. Otherwise, kindergartens, nursery schools and Head Start Centers are to be considered as Class B child care facilities. This shall comply with the adopted building code of the City of Vicksburg.

City: The mayor and aldermen of the City of Vicksburg, Mississippi.

Clinic: A building designed and used for the diagnosis and treatment of medical, chiropractic, dental, or psychological outpatients that are not kept overnight. Clinics may be used by one or a group of medical or dental practitioners.

Club: A private, nonprofit association of persons who are bona fide members paying annual dues, use premises restricted to members and their guests. An example would be country club.

Club, Civic: Buildings and facilities, owned or operated by a corporation, association, person, or persons, for a social, educational, or recreation purpose, to which membership is required for participation, and not primarily operated for profit nor to render a service that is customarily carried on as a business. Examples, Rotary Club and Lions Club.

Commercial message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

Comprehensive Plan: In accordance with Section 71-1-1 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---.”

Concept Plan: A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land-use intensity, and street alignment.

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 Board of Mayor and 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 City 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. It is 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. (From: Mississippi Code of 1972, Annotated, Section 89-9-7.) See also Apartment.

Conforming use: Any lawful use of a building or lot which complies with the provisions of this zoning chapter.

Consignment Shop: A retail establishment engaged in selling used merchandise, such as clothing, furniture, books, shoes, or household appliances, on consignment, or a retail establishment engaged in selling donated used merchandise that is operated by an organization granted federal tax exemption pursuant to section 501c 3 of the Internal Revenue Service Code as amended. Merchandise is brought to the establishment and processed by marking, cleaning, sorting, and storing as a major part of the principal use. Such stores do not include those selling vehicles, auto parts, scrap, or waste.

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 store of not more than 3,000 square feet of retail sales area, not counting storage, which deals in grocery items of a convenience nature, often combined with a self-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 considered as public/quasi-public facilities.

Density: The number of dwelling units per gross area devoted to residential development.

Derelict Property: Property that has been abandoned, and/or is neglected or unsightly and contributes to the degradation of the neighborhood.

Derelict Vehicles: Vehicles that are wrecked, dismantled, partially dismantled, inoperable (not in working order), abandoned or discarded and are not capable of being legally driven upon the streets.

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, who seek to develop or improve a lot or group of lots or structures thereon for use or occupancy.

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.

Distribution Center: A commercial use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

District, Historic: A geographically definable area designated as a historic by ordinance of the mayor and aldermen of the City of Vicksburg pursuant to procedures prescribed herein, possessing a significant concentration, linkage or continuity of buildings, structures, sites, spaces or objects unified by past workmanship, sense of cohesiveness or related historic and aesthetic associations.

District, Zoning: Any section or sections of the City 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.

District, Neighborhood: Any section or sections of the City 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 Code. The Neighborhood Districts are: District 1 North Washington Street; District 2 Haining Road; District 3 Martin Luther King; District 4 Historic Vicksburg District; District 5 West Clay Street; District 6 East Clay Street; District 7 South Washington Street; District 8 Mid Town; District 9 I-20; District 10 Porter's Chapel/Marion Park; District 11 Warrenton Road; and District 12 61 South.

Duplex: A detached residential building on a single lot designed to be occupied by two (2) families living independently of each other with separate utilities and entrances.

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

Dwelling, single-family: Any building that contains a single unit intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling, single-family, attached: See Townhouse.

Dwelling, multi-family: Any residential building or portion thereof, designed exclusively for occupancy by three or more families living independently of each other in individual dwelling units, separated by common demising walls. The term “multiple-family dwelling” shall be understood to include apartment houses or “complexes,” condominiums, and townhouses.

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

Dwelling, Zero Lot Line: A detached single-family dwelling on a separate lot with open space setbacks on three (3) 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”.

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.

Family: One person living alone, or two or more persons who are related to each other by birth, marriage, or adoption and/or living together as a single, housekeeping unit.

Fence: An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

Fill: The placing, storing or dumping of any material such as earth, clay, sand, rubble or waste of any kind upon the surface of the ground which results in increasing the natural surface elevation.

Flea Market: An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. This definition does not include informal garage or yard sales.

Floating Zone: A zoning district that is described with all the zone requirements in the text of the zoning ordinance but is not mapped as a specific in a specific location. When an application for a development meeting the zone requirements is approved, the area can then be designated on the zoning map.

Fraternal Organization: A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.

Frontage, Lot: 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.

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.”)

Gambling/gaming: Shall have the definition given it by Mississippi Code Annotated, Section 75-76-591) and any amendments made thereto.

Garage apartment: A dwelling unit erected above or to the rear of a private detached garage and includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

Garage, private: An accessory building or portion of a principal building used primarily for the storage of motor vehicles belonging to and registered in the name(s) of the occupant(s) of the principal building with no facilities for mechanical service or repair of a commercial or public nature. The term includes a carport, and when related to the context shall relate to the storage of one or more vehicles.

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

Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor-driven vehicles.

Garage, Mechanical (Repair Shop): See Automotive Maintenance Services (minor) and Automotive (major) Repair Services.

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. It is also referred to as a “parking garage.”

Governing authority or governing body: The mayor and aldermen of the City of Vicksburg, Mississippi having jurisdiction.

Grade: The average of the finished ground level of the land around a building and or sign.

Great River Road: That portion of highway located within the state as officially designated by the Federal Highway Administration to the provisions of Title 23, United States Code, Highways. Within the City of Vicksburg the Great River Road corresponds to the route of U.S. Highway 61.

Gross floor area (for purposes of computing parking): The sum of the horizontal areas of each floor of a building, measured from the exterior faces of the exterior walls or from the centerline of the walls separating two (2) buildings. The gross floor area measurement is exclusive of areas of unfinished basements, unfinished attics, attached garages, space used for off-street parking or loading, breezeways, enclosed and unclosed porches and accessory structures. However, unfinished basements are counted as storage space for purposes of meeting parking requirements.

Ground cover: Any of the low growing plants used in place of grass, typically measuring six (6) inches to twenty-four (24) inches in height.

Group care facility: A facility or dwelling unit housing persons generally unrelated by blood or marriage providing specific treatment less than primary health care. A group care facility may include half-way houses, recovery homes, and homes for orphanages, foster children, the elderly, and battered children and battered adults.

Halfway House: A place where persons are aided in readjusting to society following a period of imprisonment, hospitalization, or institutionalized treatment.

Health Club or Health Spa: A facility, place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also, a place or building that provides massage, exercise, and related activities with or without such equipment or apparatus.

Home Based Child Care Provider: A person's home that provides shelter and personal care for five or fewer children some of whom may or may not be related to the operator. It may or may not be operated for profit and is not licensed by the state. See Class 'A' Child Care Facility.

Home occupation: an occupation, profession, or activity for gain by a resident which:

- (a) Is an accessory use clearly incidental and subordinate to the use of the dwelling unit as a residence;
- (b) Is carried on solely within the main dwelling or accessory building or as provided for in subsection (404.10-2)(B) and does not alter or change the exterior or character or appearance of the dwelling; and
- (c) Is carried on solely by the inhabitant(s) of the residence and no others.

Hospital: An institution providing 24-hour health care services primarily for in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel/Motel: A building or buildings where lodging and sometimes food and various personal services are provided for more than ten (10) person, who are usually but not always transients for compensation. Hotels and motels shall be considered a commercial use.

Household: A household includes all the persons who occupy a housing unit whether related or not.

Industry: A facility for processing products or raw materials.

Industry, Heavy: Those industrial uses that are not fully enclosed and/or that generate substantial amounts of noise, vibration, odors or possess other objectionable characteristics. These industrial uses may also include operations that involve outdoor storage of materials and/or finished products.

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).

Institutional Use: The use of land, buildings or structures for the purpose of providing social, religious, educational, charitable, and/or healthcare services to residents of the buildings.

Junk: Old, dilapidated, scrap or abandoned metal, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, waste paper, motor vehicles, and parts thereof, that have been demolished, discarded, dismantled, partially dismantled, dilapidated, deteriorated, or in such a state as to be generally unusable or inoperable.

Junkyards and open storage: Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of waste paper, rags, building materials, bottles, glass, appliances, furniture, beds and bedding, scrap metal or other scrap or discarded goods, materials, machinery or wrecked, dismantled, partially dismantled or inoperable motor vehicles, or other type of junk, regardless of whether or not this is done for commercial purposes. This definition also includes similar uses such as auto wrecking yards, auto graveyards and scrap yards, but EXCLUDING places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for sale, purchase or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations

Kennel: Any building, structure or open space devoted in its entirety or in part to the raising, boarding or harboring of six (6) or more dogs or other domestic pets. Kennels are considered a commercial use. See Chapter 4 Animals and Fowls of the City of Vicksburg Code Ordinances.

Land Use Plan: One of the elements of a Comprehensive Plan. It designates 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.

Landscaped area: The areas within the boundaries of a given lot that are devoted to and consists of plant material including, but not limited to, trees, shrubs, ground covers, and grass; and as accessories to the plant material consists of nonliving durable landscape materials.

Landscape Buffer: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. Also called a planting screen.

Landscaped area, perimeter: The area surrounding the building and/or parking lot.

Landscape material: Material such as, but not limited to, living trees, shrubs, vines, turf, ground cover, earthen mounds, landscape water features and nonliving durable materials commonly used in landscaping including, but not limited to, rocks, sands, decorative walls, fences, brick, stone, sculpture or concrete paving or landscape support systems such as irrigation, drainage, and lighting. Mulching materials should not be rock, stone or any other “inorganic” material.

Landscape plan: The preparation of graphic and written specifications and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions herein.

Laundromat: A business that provides coin-operated washing, drying, and/or ironing machines to the public for the purpose of laundry cleaning on the premises.

Laundry and Dry Cleaning Shop: A building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of laundering, dry dyeing, or cleaning elsewhere, and for the pressing and distribution of any such articles or goods which have been subjected to any such process, and may include a self-service laundry and/or self-service dry cleaning.

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 Code. Such lot shall have frontage on an improved public (dedicated) street specifically approved by the Mayor and Aldermen through the subdivision plat review process prescribed in this Code or through the site plan and preliminary plat review committee review process required by this Code for multifamily dwellings and other developments.

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

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

Lot, corner: A lot situated at the intersection of two (2) or more streets.

Lot Coverage: The maximum area which a structure may occupy a lot.

Lot depth: The average horizontal distance between the front lot line and there rear lot line of a lot.

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 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 Code.

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

Lot line: The boundary of a lot.

Lot of record: See Lot.

Lot width: The distance between the side lot lines measured at the building setback line.

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.

Manufactured home: A structure defined by and constructed in accordance with the Manufactured Housing Construction & Safety Standards Act of 1974, as amended, 42 U.S.C. 5401, et. seq., and manufactured after June 15, 1976, and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this Code and with respect to which the manufacturer voluntarily files a certification required by the act and complies with the standards established under the Manufactured Housing Construction & Safety Standards Act of 1974 and the Uniform Standards Code for Factory Built Homes Law, State of Mississippi. A mobile home as defined in this ordinance is not a manufactured home.

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.

Manufactured home subdivision: The division of any tract or parcel of land, including frontage along an existing street or highway, into two (2) or more lots, plots or other divisions of land for the purpose, whether immediate or future, of the placement of manufactured housing for dwelling purposes. Manufactured home subdivisions are required to meet the requirements of the City of Vicksburg’s subdivision ordinance.

Master Plan: A land-use plan focused on one or more sites within an area that identifies site access and general improvements and is intended to guide growth and development over a number of years, or in several phases.

Mine: See “Quarry.”

Mobile Home: A single-family residential dwelling unit built in a factory on or prior to June 15, 1976, and not constructed in accordance with the National Manufactured Home and Construction Safety Standards Act of 1974, as amended.

Modular home: Factory-built housing certified as meeting the adopted building code requirements. A modular home is not considered a manufactured home.

Motel/Hotel: A building or group of detached or connected buildings designed or used primarily for providing living or sleeping accommodations for automobile travelers and having a nearby parking space. Access to and from each room or unit may be through an exterior door.

National Highway System: For the purpose of regulating signage and outdoor advertising signs, the national Highway System shall mean those routes within the City of Vicksburg indicated as part of the federal primary system of the FHWA maps maintained by the Mississippi Department of Transportation.

Nightclub: Nightclub: A commercial establishment which derives 40% or more of its gross receipts on a monthly basis from any or all of the following sources:

1. dispensing alcoholic beverages, beer or light wine for consumption on the premises,
2. providing set-ups for alcoholic beverages, light wine and/or beer for consumption on the premises,
3. cover charges or door fees; and in which food services are incidental, and in which there may be dancing, amplified music, pool or live entertainment, also referred to as a lounge, bar, tavern or cocktail bar. The City reserves the right to inspect receipts or other financial books to verify gross receipts.

Nonconforming building: Any building that does not meet the zoning criteria outlined for the district in which such building is located or for the use to which such building is being put.

Nonconforming lot: A lot, the area dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Nonconforming use: A lawful use of a building, structure or land that does not comply with the use regulations for its zoning district, but which complied with applicable regulations at the time the use was established.

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

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

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 are conducted.

Office building: A building designed for and used as an office or offices for professional, commercial, industrial, religious, public or semipublic persons or organizations, providing no product is sold on the premises.

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).

Open storage: See “junkyard.” Does not include sales of vehicles, machinery, or building materials.

Overlay District: A mapped zoning district superimposed over an underlying or base zoning district, which imposes certain additional requirements upon the underlying zoning district. In an area where an overlay zone is established, property is placed simultaneously in the two zones, and the land may be developed only under the conditions and requirements of both zones.

Owner: Any person having legal title to or sufficient proprietary interest in the land sought to be subdivided under this Ordinance.

Park, Private: A large area of land in private ownership for recreational use or that is kept in its natural state for plants and animals.

Park, Public: A tract of land, designated and used by the public for active and passive recreation.

Parking, off-street: A parking place not located on a public street and which may serve a specified land use on the same site.

Parking lot: The outdoor area of a development, including driveways, aisles, sidewalks, ramps, parking lot stairs, hand rails and guard rails, concrete curbing, concrete wheel stops, vehicular display areas, off-street parking spaces, and loading areas, used by pedestrians, motor vehicles and non-motorized vehicles for short or long periods of time.

Parking space: a surfaced area, enclosed or unenclosed, sufficient in size as to permit storage of one (1) standard-size automobile and connected to a public street or alley by a driveway so arranged to permit ingress and egress.

Pawnshop: Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

Pedestrian Way: A right-of-way, however designated, either across or within a block, intended for use by pedestrian traffic.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permitted use: A use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person: Any association, company, corporation, firm, organization, or partnership, singular or plural of any kind.

Personal care: Assistance rendered by personnel to residents by performing one or more of the activities of day-to-day living which include, but are not limited to, bathing, walking, excretory functions, feeding, personal grooming and dressing of such residents.

Personal care homes: A dwelling consisting of a maximum of three (3) bedrooms being occupied by ambulatory, semi-ambulatory, non-ambulatory, and/or chronically ill individuals who require less extensive care, with personal services such as the provision of aid in walking, climbing or descending stairs, getting in or out of bed, feeding (including the preparation of special diets), dressing, bathing or in other matter of personal hygiene, and the supervision of medication.

Plan, Plot: A diagram showing the proposed or existing residential use of a specific parcel of land. It typically shows the parcel location, residential buildings, dimensions, parking areas, and landscaping.

Plan, Site: A plan for commercial properties, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses and the exact manner of development proposed for a specific parcel of land.

Planned Unit Development (PUD): A area of minimum contiguous size, as specified by this ordinance, to be planned and developed as a single entity containing one or more residential cluster 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 builing 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 PUD if a development plan is submitted and appropriate rezoning (or a special exception for public/quasi-public uses) is approved by the zoning and Planning and Zoning Commission.

Planning and Zoning Commission: The duly appointed Planning and Zoning Commission of the City of Vicksburg to review and make recommendations on planning and zoning issues.

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

Plat: A map, showing the location, boundaries, and ownership of individual properties, planned and developed as a single project.

Plat, Sketch: A rough sketch map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Portable Storage Unit: As used herein, shall mean any portable, above-ground container including, but not limited to, any container normally used for short-term storage. Also known as **storage pods**.

Premises: Land together with structure or structures occupying it.

Principal Structure or Use: The main building(s) or dominant use(s) of a lot. The specific primary purpose for which land or a building is intended to be used.

Public/Quasi-Public: 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. All governmental buildings (excluding buildings erected by State or Federal governments) and major governmental facilities. (NOTE: Public recreation and open space facilities are a land use permitted outright in ANY district, and such facilities are not subject to the regulations of Section 606 as special exceptions.)
- d. All hospitals, whether public or private.
- e. Convalescent homes or nursing homes, excluding “Comprehensive Elderly Retirement Facilities” which shall be zoned as “Special Use” districts only.
- f. Civic organization buildings and major facilities (e.g. Moose Lodge, American Lodge, VFW, Masonic Lodge, Shriners, Lions Club, etc.).
- g. Buildings and facilities erected by charitable organizations (e.g., American Red Cross, Salvation Army, also I.R.S. and 501C-3 designated entities, etc.); (NOTE: When such facilities are erected as emergency measures, they shall be exempt from the Special Exception provisions of this Code, including site plan review and public hearing requirements).
- h. Country clubs and other major recreational facilities constructed by private groups.
- i. ALL cemeteries.
- 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 antennas, natural gas pumping facilities and similar significant uses.

Quarry: A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or top soil for sale and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

Recreational uses, indoor: including skating rinks, bowling alleys, arcades & similar uses Free-standing “game rooms,” for electronic video games, pool tables, etc.

Recreational vehicle (RV): A vehicular-type unit designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or towed by another vehicle. The basic entities are travel trailer, camping trailer, truck camper, van and motor home.

Recreational vehicle (RV) campground park: Any area or tract of land on which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.

Recycling center: A building or other place at or in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. Recyclable materials include paper, glass, plastic and metal cans. This facility is to be distinguished from a junkyard.

Recycling collection point: An area that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches or schools. Storage allowed only in trailers or bins or in completely enclosed buildings. Temporary storage means no longer than a week.

Recycling plant: A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books and other paper products, glass, metal cans, and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Resort Area: According to Section 67-1-5 of the Mississippi Code 1972, annotated, and State Tax Commission, it “means any area or locality outside of the limits of incorporated municipalities in this state commonly known and accepted as a place that regularly and customarily attracts tourists, vacationists and other transients because of its historical, scenic or recreational facilities or attractions, or because of other attributes which regularly and customarily appeal to and attract tourists, vacationists, and other transients in substantial numbers; however, no area or locality shall so qualify as a resort area until it has been duly and properly approved as such by the commission.”

Restaurant, full-service: A conventional dining room restaurant dispensing food for consumption on the premises; and where such food is served to the public on demand from a menu during stated business hours, served in reusable containers and dinnerware, intended to be eaten on the premises primarily inside the building at tables, booths or counters, with chairs and stools, which comprises 60% of the customer floor area. Food service can be ordered in a cafeteria line or buffet, brought to the table by food attendants (waiters/waitresses), or ordered at tables from food attendants. Alcoholic beverages, beer and/or light wine may be served but are incidental to food services.

Restaurant, fast food: A commercial establishment whose principal business is the sale of prepared food or rapidly prepared food and beverages for consumption either within the restaurant or for carry-out, and where either (1) customers are not served food and beverages by a restaurant employee (waiter/waitress) at the same table or counter where items are consumed; or (2) the establishment includes a drive-in or drive-through service facility or offers curbside service. No alcoholic beverages, light wine and/or beer shall be sold or consumed on the premises.

Restaurant, limited service: Any eating place or lounge which is an accessory or ancillary use to such primary uses as hotels, motels, grocery stores, country clubs, convenience stores, schools, office buildings, bowling alleys and skating rinks. The maximum seating capacity shall not exceed fifty (50) seats.

Retail business: An establishment engaged in the selling of goods, wares, or merchandise directly to the ultimate consumer or persons.

Retail, limited: Establishments of 10,000 square feet or fewer of gross floor area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service; building materials and/or supplies, sales, or rental; and food sales or markets. Typical uses include sale of consumer goods or art or craft objects, specialty shops, flower shops, gift shops, and boutiques.

Retirement Community, Certified: A community development program for communities that are positioned to attract retirees as an economic and community development strategy, and that are certified by the state of Mississippi.

Retirement Village/Community: Planned developments for the elderly which, because of their size, institutional nature and unique characteristics, do not fit compatibly into other zoning districts of the city; retirement villages constitute “self-contained communities” and may include: residential uses, related health-care facilities, cultural and recreational facilities, commercial outlets intended primarily for the benefit of residents and staff, and similar associated uses.

Right-of-Way: A strip of land occupied or intended to be occupied by a street or highway, pedestrian crosswalk, railroad, electric transmission line, water main, sanitary or storm sewer main, or for another special use.

Rezoning: An amendment to or a change in the zoning ordinance of the following forms:

1. a change in the map; e.g., the zoning designation of a particular parcel or parcels;
2. A comprehensive revision or modification of the zoning text and map; and/or
3. A text change in zone requirements.

Roof lines: The edge of the fascia beam or eave of a building.

School: 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).

School, Commercial: A commercial service establishment, which provides instruction in any subject for profit or gain, and includes such dancing schools or studios, music schools, art

schools, drama schools, gymnastics schools, martial arts schools, golf schools, schools for ceramics or other crafts, business or trade schools, or any other specialized school. However, it does not include public or private academic schools, religious, or philanthropic schools.

Secondhand Store: Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

Service area: An area used for outside storage of garbage, trash, equipment, or similar uses on commercial or industrial sites.

Service station: Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use for sale and installation of lubricants, tires, batteries, and similar accessories. It may be combined with a convenience store.

Setback: The required minimum horizontal distance from the front, side, or rear property line, measured at right angles, to the nearest vertical building plane, that transfers dead and live loads. It includes any covered projection decks, fireplaces, guardrails, but excludes steps and ramps.

Setback line: The line that is the minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed. Also called building setback line.

Shopping Center: A group of stores planned and designed for the site on which it is built, functioning as a unit in a single building or multiple buildings (including out parcels), with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit. Examples are outdoor malls and open-air strip centers.

Shrub: A plant used for massing or accent that can range in height from twelve (12) inches to fifteen (15) inches and in spread from twelve (12) inches to eight (8) feet.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. A sign shall not be used as the principal or primary use of the property.

Sign, animated: Any sign that uses movement, change of lighting, or digital electronics to depict action or create a special effect or scene.

Sign, banner: Any temporary sign made of flexible, lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one (1) or more edges. A banner may be attached to poles or buildings by staples, tape, wires, ropes strings, or other flexible materials. National flags, state or municipal flags or the official flag of any elected legislative body shall not be considered banners.

Sign, building: Any sign attached to any part of a building, as contrasted to a freestanding sign.

Sign, building marker: Any sign indicating the name of a building and date and incidental information about its construction.

Sign, canopy: Any projecting sign that is a part of or attached to an awning, canopy, or other fabric plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Sign, changeable copy: A sign designed to allow the changing of copy through manual, mechanical, or electrical or electronic means. This sign or a portion thereof uses characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

Sign, externally illuminated: Any sign which reflects light from a source intentionally directed upon; for example, by means of floodlights, gooseneck reflectors or externally mounted fluorescent light fixtures.

Sign, government: A sign erected in the public right-of-way and maintained by or on behalf of the city, the county, the state, or the United States for civic purposes.

Sign, ground-mounted or free-standing: A sign erected on a freestanding frame structure, mast or pole and not attached to any building.

Sign, illegal: Any sign that is subject to removal pursuant to subsection 408.19 of Ordinance 71-8 [Appendix A] as amended.

Sign, incidental: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” loading only,” “telephone,” and other similar directives. A sign with a commercial message legible from a position off the lot on which the sign is located shall not be considered incidental.

Sign, internally illuminated: 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.

Sign, marquee: Any permanent roof-like structure projecting from a building wall or extending along and projecting from the wall of the building, generally designed and constructed to provide protection from the weather. A marquee is not supported by the ground

Sign, nonconforming: Any sign lawfully erected and maintained prior to the adoption of this ordinance that does not conform to the requirements of this ordinance.

Sign, outdoor advertising: A structure which is designated, intended or used to advertise or inform an upon which messages unrelated to the activity and/or use of the property upon which

the sign is located are displayed, and is customarily erected for the purpose of providing advertising space whether be lease or by charitable donation. Commonly known as billboards. This does not include advertising on in-route buses, benches, etc.

Sign, outdoor advertising sign maintenance: The act or activity of maintaining the functional existence of an otherwise functional sign, including painting, cleaning, replacing advertising message on panels, replacing and/or updating panels, replacing walkways, replacing lighting equipment, in the case of wooden structures, replacing/repairing rotten wood and performing any activities which fit into the normally accepted use and usage of said words. In order to meet the criteria of being a functional sign, said sign must be capable of performing the function of a sign without the performance of said maintenance activities.

Sign, portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Sign, projecting: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches from the surface of the wall.

Sign, public: A sign, usually publicly-owned, erected and maintained by a public agency and located within the public right-of-way.

Sign, roof: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Sign, roof, integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Sign, street: For the purpose of regulating signage, a sign located on a strip of right-of-way subject to vehicular traffic (as well as pedestrian traffic) that provides street names, traffic instructions, or traffic directions.

Sign structure: The system of supports, uprights, bracing, framework and other such members assembled for the purpose of providing a display system.

Sign, suspended: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Sign, temporary: Any sign that is displayed only for a limited time for a seasonal or brief activity and is not permanently mounted. Any sign of lightweight fabric or similar material that is temporarily mounted to a building or permanent sign at one or more edges. Activities

displayed on temporary signs include but are not limited to, sales, specials, promotions, holidays, auctions, business grand openings, and signs advertising the sale, lease or vacancy in all areas. Signs announcing or supporting candidates or issues in connection with any national, state, or local elections are also considered temporary signs. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered temporary, nor shall portable signs as defined herein be considered temporary.

Sign, vehicle: See portable sign.

Sign, wall: Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign face.

Sign, Window: A permanent sign placed in a window inside or outside of a building.

Sign, Yard: A temporary sign placed in the front or side yard of a residence or business, usually supported by metal rods or wooden stakes.

Site plan and preliminary plat review committee: The committee required to review site plans, preliminary plats, and final plats to ensure compliance with the zoning ordinance, adopted building code, subdivision regulations and other applicable ordinances; to provide the developer with one central review of his/her development proposal; to conserve the time and efforts of city employees in various departments; and to provide for a speedy processing of applications for building permits on large-scale and other projects.

Site Plan Compliance Letter: A statement, signed by an administrative officer, setting forth that a site plan (including buildings, structures, and uses) complies with the zoning ordinance, landscape ordinance, erosion control ordinance, stormwater management ordinance, subdivision ordinance, and flood damage prevention ordinance.

Special exception/conditional use: A land use which is not permitted as a matter of right in a zoning district, but which the Planning and Zoning Commission is specifically authorized to grant by terms of this ordinance under the procedures set forth in subsection 606 hereof, where, in the judgment of the Planning and Zoning Commission, the land use would promote the public health, safety, morals or general welfare and would not adversely affect adjacent properties. The granting of a special exception would not change the general zoning of the property. A special exception will continue only as long as the specific land use approved thereby continues in effect and continues to comply with the conditions of the special exception. Provided, however, that a temporary cessation in use for a period of not more than sixty (60) days shall not terminate the special exception. Whenever "special exception" is used, it shall be deemed to mean a conditional use allowed by the Planning and Zoning Commission under subsection 606 of this ordinance.

Specialty Shop: A store that specializes in a particular line of merchandise, such as baked goods, candy, clothing, hardware, jewelry, books, shoes, antiques, bicycles, and similar stores.

Special Use District: A zoning district 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 services facilities, recreational uses, and commercial-type outlets provided primarily for the benefit of the staff and residents of the institution on the grounds. This district is designed in part to protect existing residential uses.

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 is not permitted by state law, it is generally regarded as an improper practice.

Story: That portion of a building between the surface of a floor and the ceiling immediately above.

Street: A publicly-owned thoroughfare which affords the principal means of access to abutting property; such as 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 Warren County Chancery Clerk.

Street frontage: The distance for which a lot line of a lot adjoins a street, from one (1) lot line intersecting said street to the furthest distant lot line intersecting the same street.

Street line: Public right-of-way line of a street.

Streetscape: The distinguishing and pictorial character as may be observed along a public street, composed of natural and man-made components including buildings, paving, planting, street hardware/ and miscellaneous surrounding structures and buildings. It is similar to the definition in the Historic Vicksburg Design Guidelines.

Strip Commercial Center: A linear commercial development along a major public street or highway, consisting of commercial or retail uses, usually one story high and one store deep, under single ownership or management. It is characterized by shared off-street parking, the absence of a common interior walkway, and a similar or compatible architectural or graphic character or theme.

Structure: Refer to the adopted building code of the City of Vicksburg.

Surface Mining: The extraction of materials or minerals for any purpose including dirt, soil, sand, gravel, clay, 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, open pit, thereto, which will alter the surface. Surface mining operations require a state permit and are not intended to restrict removal of materials during normal building activity.

Tourist home: See Bed and Breakfast.

Townhouse: A medium-density single-family dwelling unit, constructed in a group of three or more horizontally attached units not over three stories, with common demising wall(s) serving as a property line and having a totally exposed front and rear wall to be used for access, light, and ventilation.

Tree, large: A perennial plant, which obtains a height greater than fifty (50) feet, having a permanent woody stem or trunk usually with branches.

Tree, medium: A perennial plant, which obtains a height greater than thirty (30) feet but no greater than fifty (50) feet, having a permanent woody stem or trunk usually with branches.

Tree, small: A perennial plant, which obtains a height of at least ten (10) feet, but no greater than thirty (30) feet, having a permanent woody stem or trunk usually with branches.

Turf: A surfaces layer of earth containing a dense growth of grass and roots suitable for growth.

Unobstructed open space: An area of land required to be maintained as specified herein, upon which no structure may be erected except those accessory structures used in connection with the movement or regulation of traffic.

Variance: A relaxation of the terms of this ordinance by the zoning and Planning and Zoning Commission where such relaxation 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. The criteria for issuance of a variance are listed in subsection (503.3-1) 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.

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

View corridor: The line of sight identified as to height, width, and distance of observance looking toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.); the route that directs the viewers' attention.

View protection regulation: To protect the view of or from particular points, usually via height limitations.

Viewing area: A public area such as a public street, road, designated vista point, or public park from which the general public ordinarily views the surrounding views.

Viewshed: The area within view from a defined observation point.

Waiver: A relaxation or modification of certain specified provisions of the requirements for dockside gaming establishments.

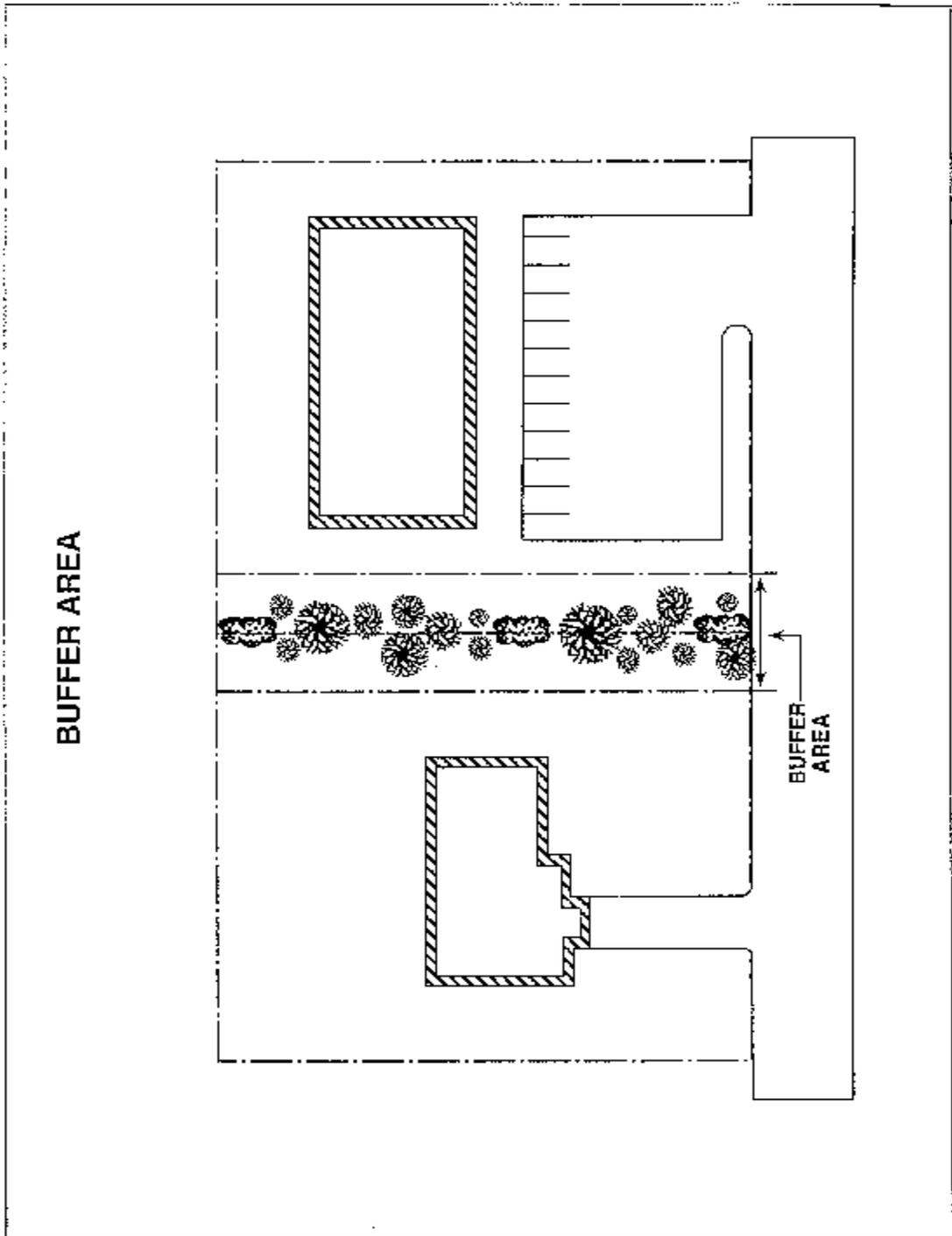
Yard: Open space on a building lot unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In determining yard widths and depths, the minimum horizontal distance between the building and the respective property line shall be used.

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

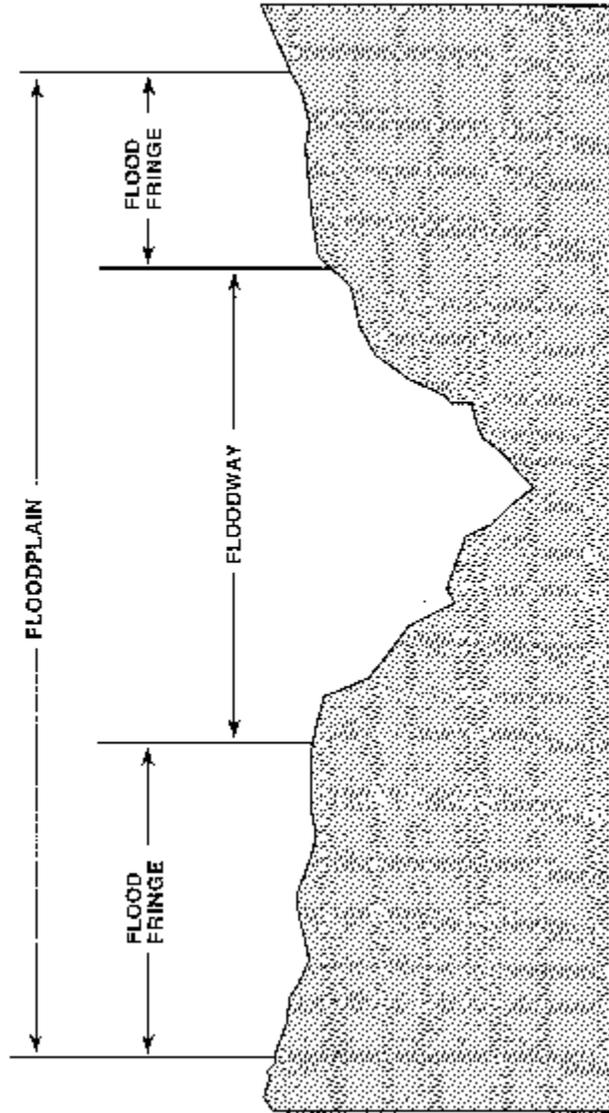
Yard, rear: That area of a yard which extends along the entire length of the rear lot line within two (2) side lot lines and the minimum horizontal distance between the rear lot line and the building, excluding unenclosed porches, balconies and projected steps.

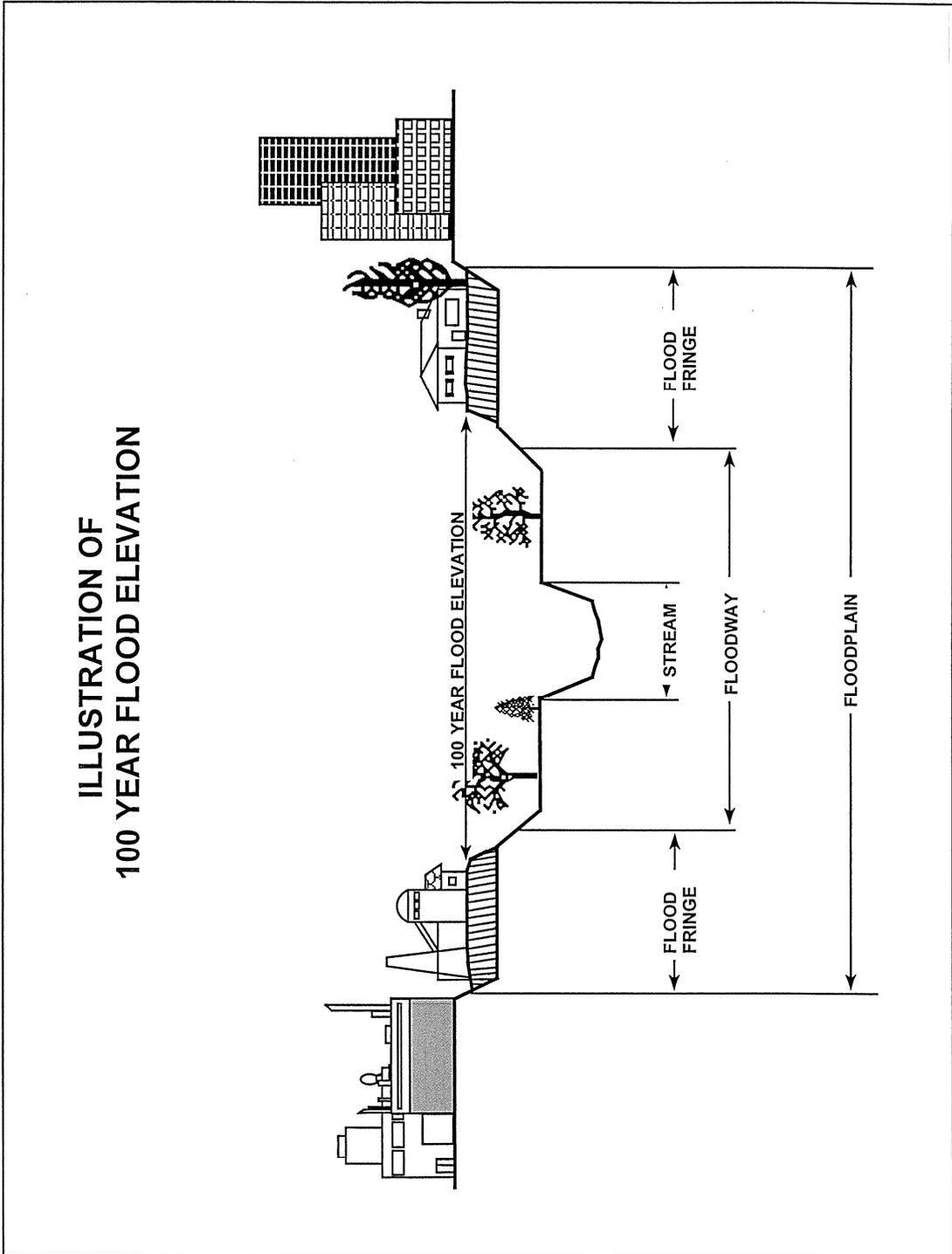
Yard, side: That area of a yard which extends along the entire side lot lines between the front and rear lot lines and the side setback line of the building.

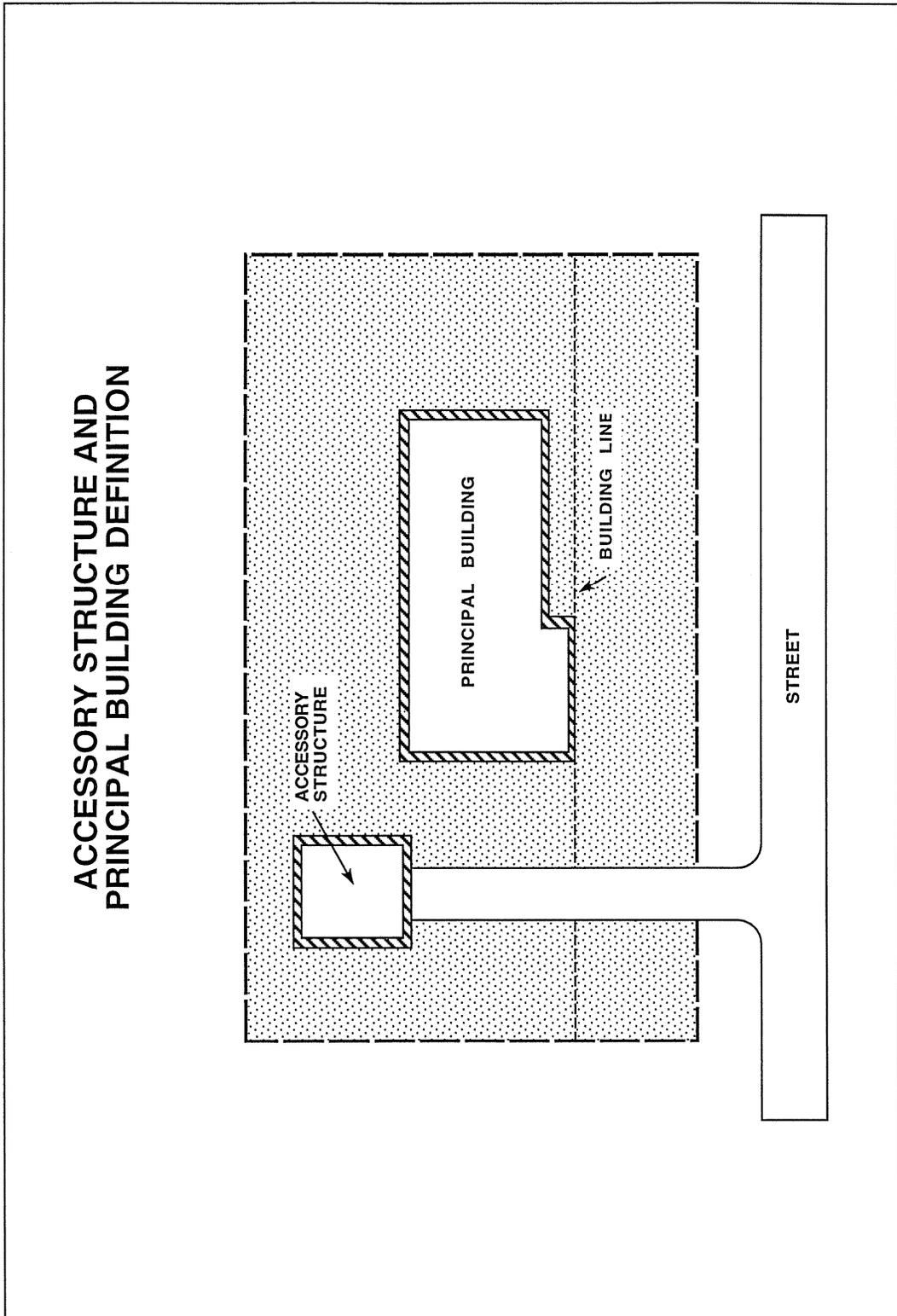
Zoning Administrator: The person designated with the responsibility for administering and enforcing the provisions of the zoning ordinance.



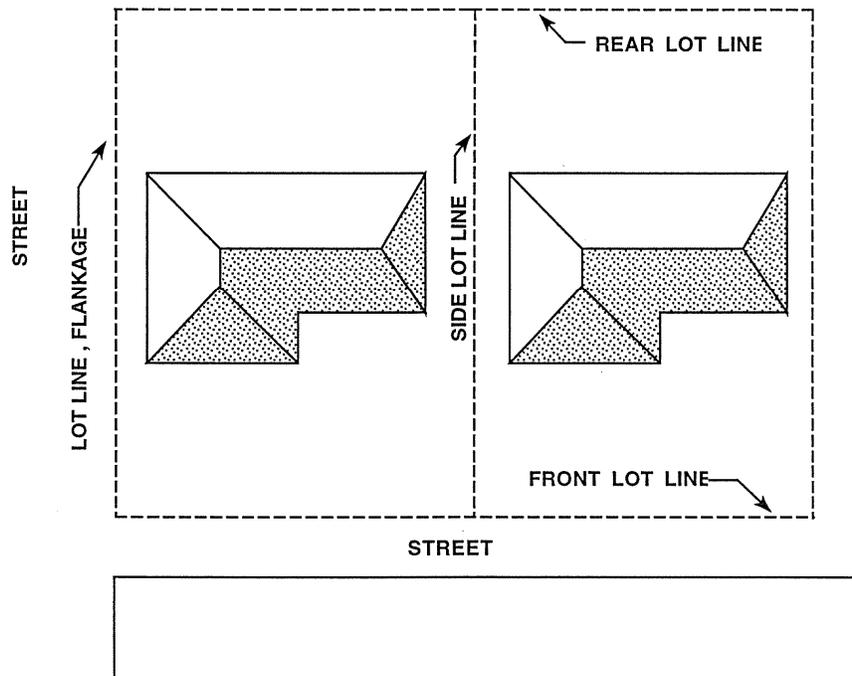
**ILLUSTRATION OF FLOODWAY,
FLOOD PLAIN, AND FLOOD FRINGE**



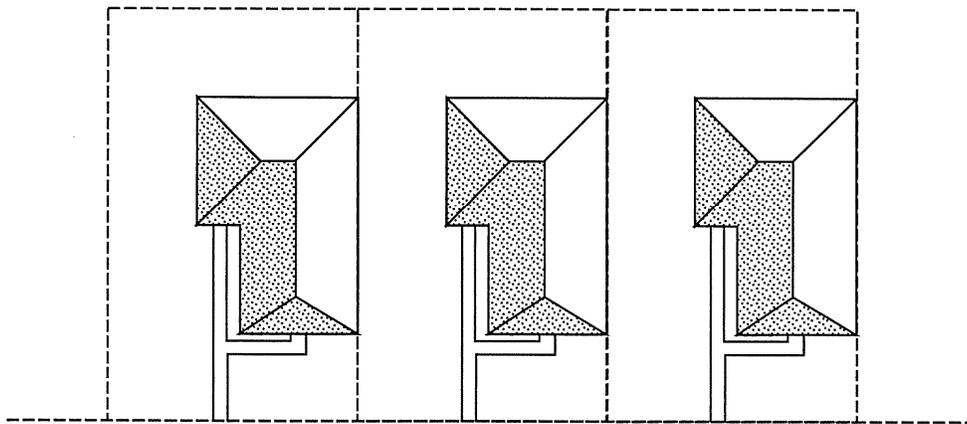


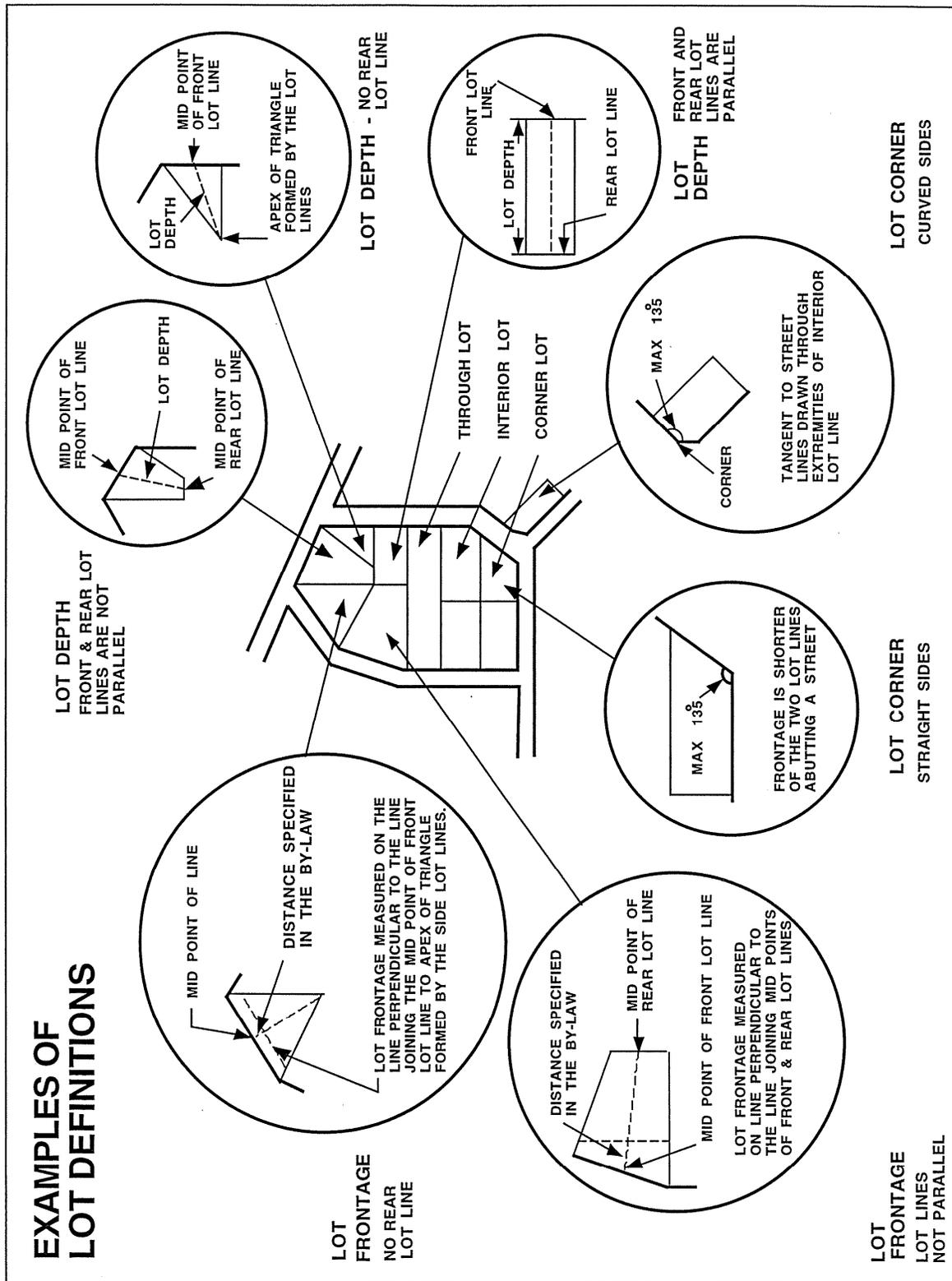


LOT LINE DESCRIPTIONS

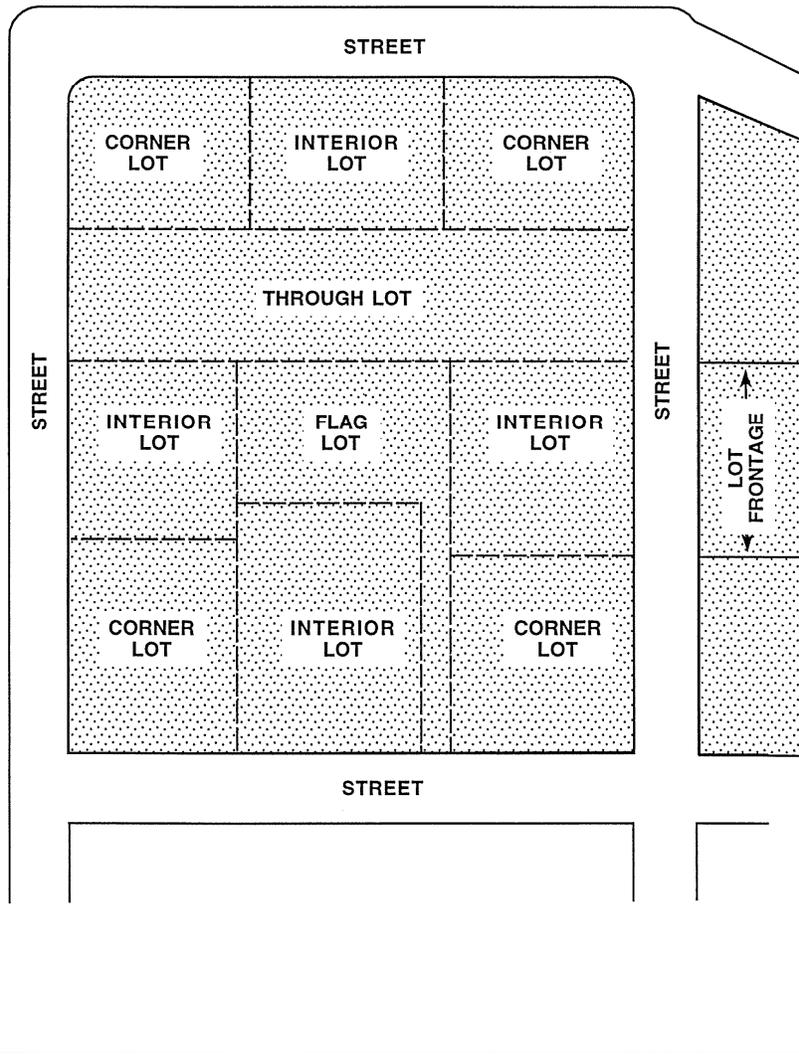


**BUILDING LOCATION ON
ZERO LOT LINE**

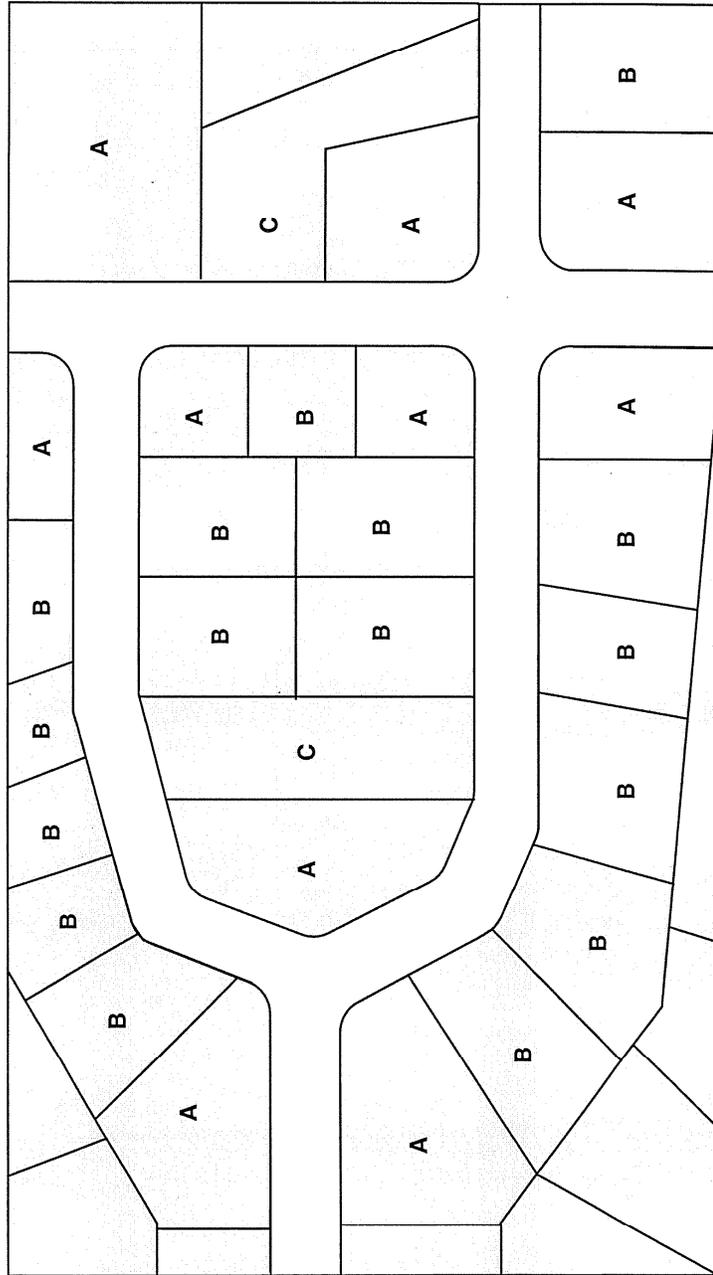




DEFINITION OF TYPES OF LOTS

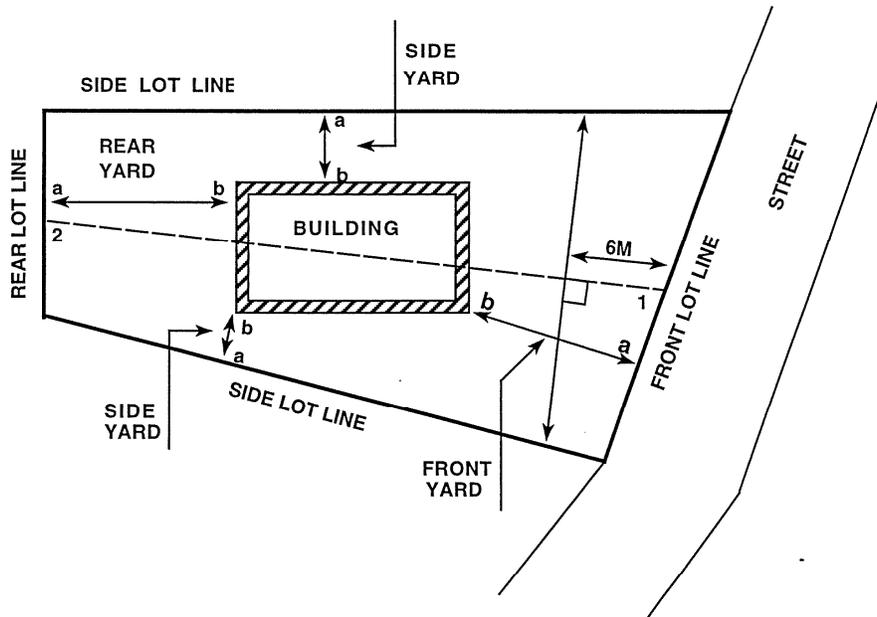


**ILLUSTRATION OF THE BASIC
TYPES OF LOTS**



A = CORNER LOT B = INTERIOR LOT C = THROUGH (OR DOUBLE FRONTAGE)

**IRREGULAR LOT
NO PARALLEL LOT LINES
YARD DEFINITIONS**



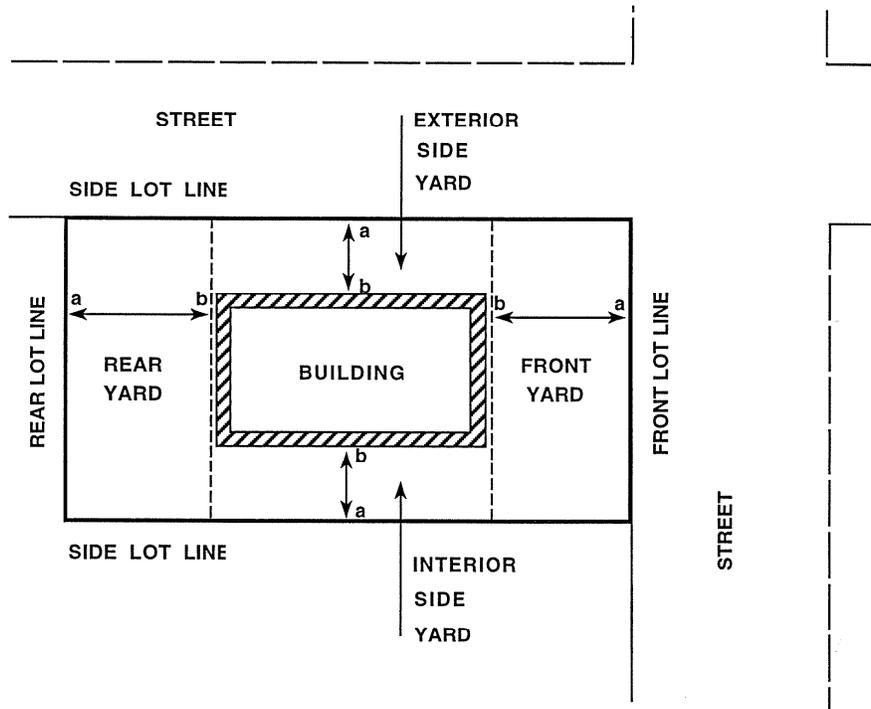
LOT FRONTAGE

1. MID POINT OF FRONT LOT LINE.
2. MID POINT OF REAR LOT LINE.

LOT FRONTAGE MEASURED AT RIGHT ANGLES TO THE LINE JOINING POINTS 1 AND 2 AT A DISTANCE OF 6 METRES FROM THE FRONT LOT LINE.

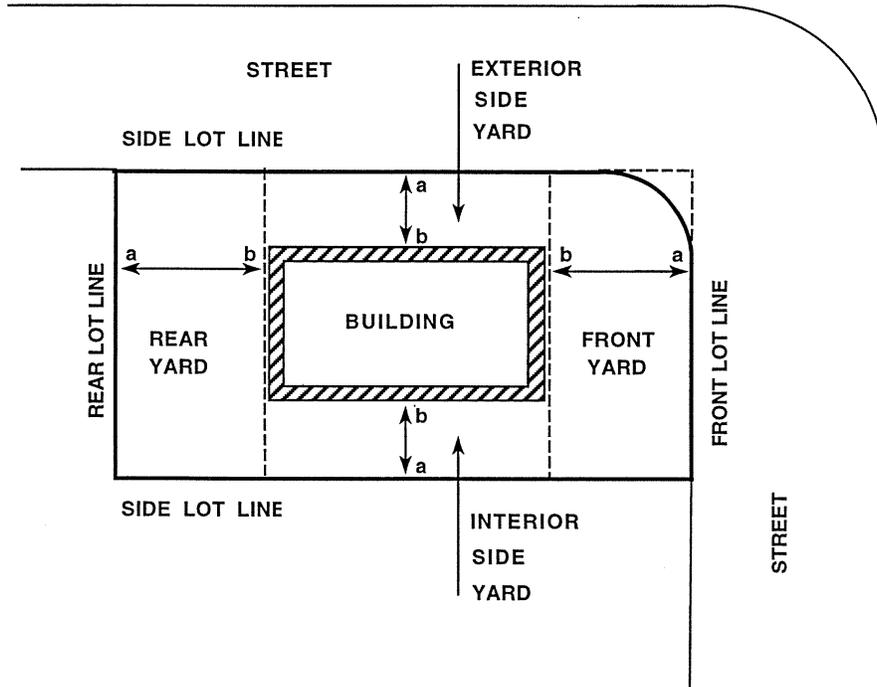
DISTANCE *ab* REPRESENTS THE SHORTEST DISTANCE MEASURED BETWEEN THE LOT LINE AND NEAREST PART OF THE MAIN BUILDING. DISTANCE *ab* MUST BE A MINIMUM DISTANCE SPECIFIED IN BY-LAW.

**CORNER LOT
PARALLEL LOT LINES
YARD DEFINITIONS**



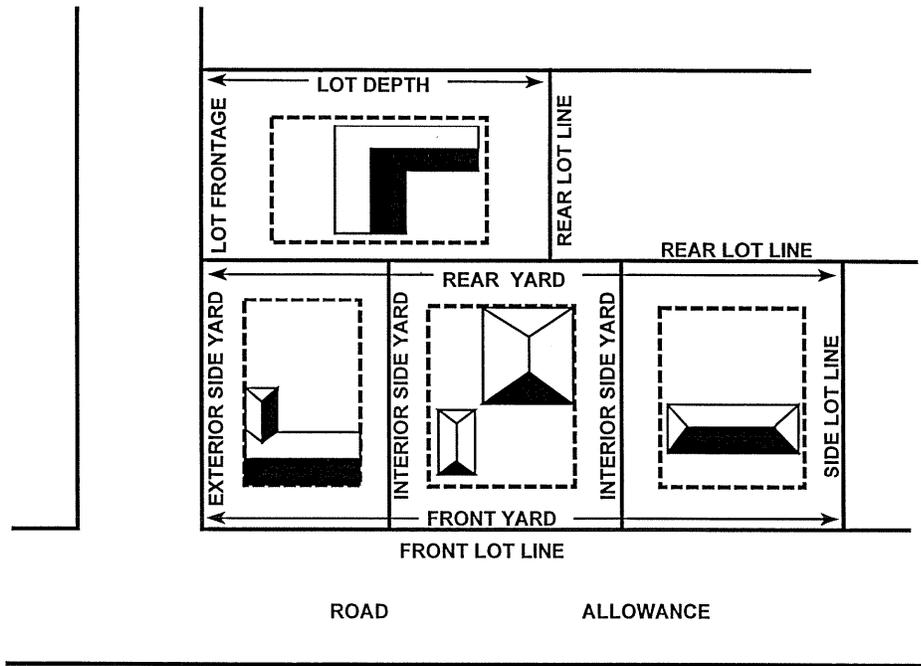
DISTANCE ab REPRESENTS THE DEPTH OF THE REQUIRED YARD MEASURED AS LEAST HORIZONTAL DIMENSION BETWEEN LOT LINE AND NEAREST PART OF MAIN BUILDING. DISTANCE ab MUST BE THE MINIMUM DISTANCE SPECIFIED IN BY-LAW.

**CORNER LOT
CURVED LOT LINE
YARD DEFINITIONS**

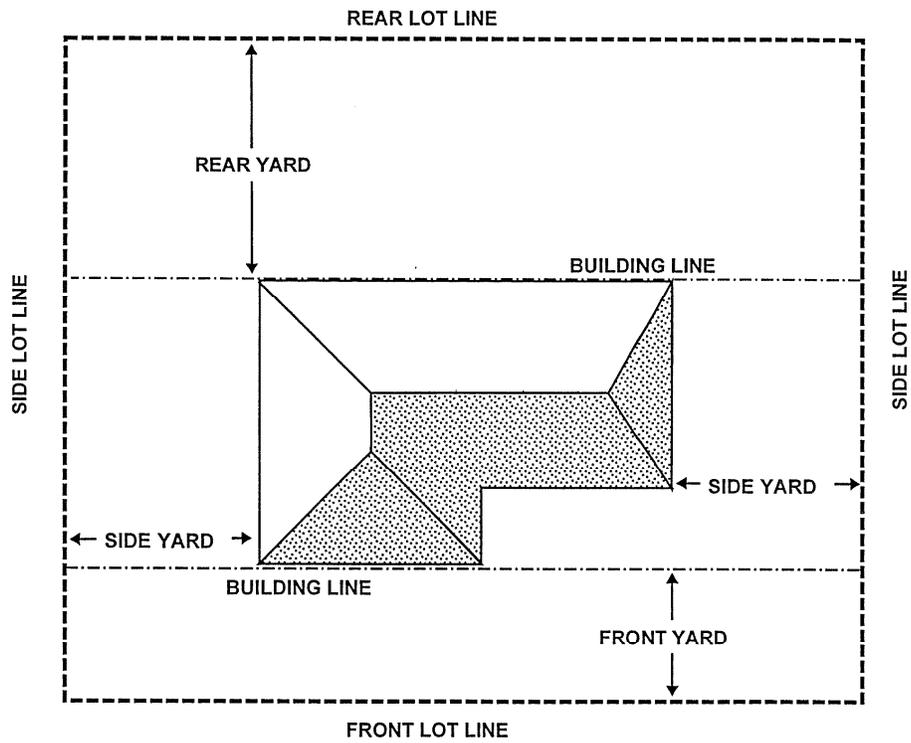


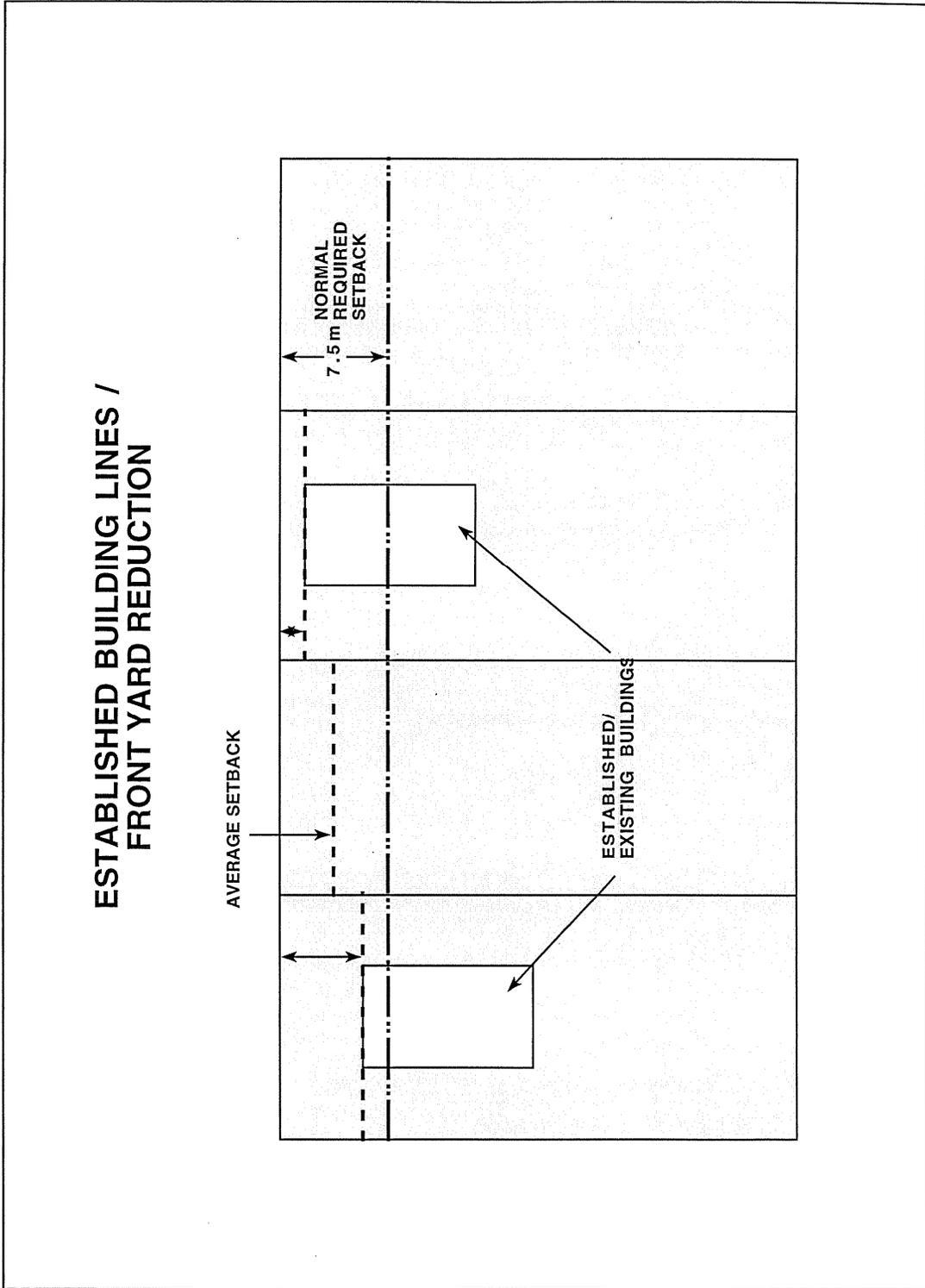
DISTANCE ab REPRESENTS THE DEPTH OF THE REQUIRED YARD MEASURED AS LEAST HORIZONTAL DIMENSION BETWEEN LOT LINE AND NEAREST PART OF MAIN BUILDING. DISTANCE ab MUST BE THE MINIMUM DISTANCE SPECIFIED IN BY-LAW.

EXAMPLE OF YARD DEFINITIONS



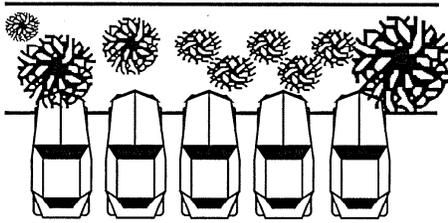
DEFINITION OF YARD





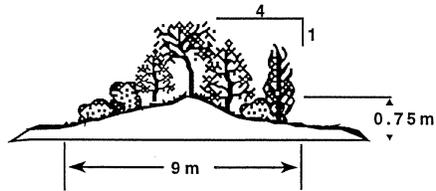
LANDSCAPE AND BUFFER REGULATIONS

PERIMETER LANDSCAPE TREATMENT FOR SURFACE PARKING LOT WITH VEHICLE OVERHANG



- DECIDUOUS TREES
- SHRUBS AND GRASS, DECORATIVE HARD SURFACE TREATMENT, OR OTHER GROUND COVER

PERIMETER LANDSCAPE TREATMENT FOR SHOPPING CENTRE SURFACE PARKING LOT



SECTION

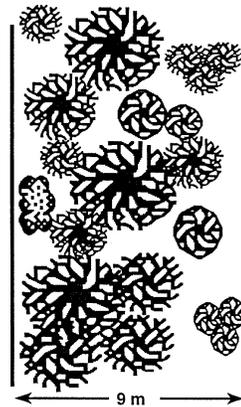
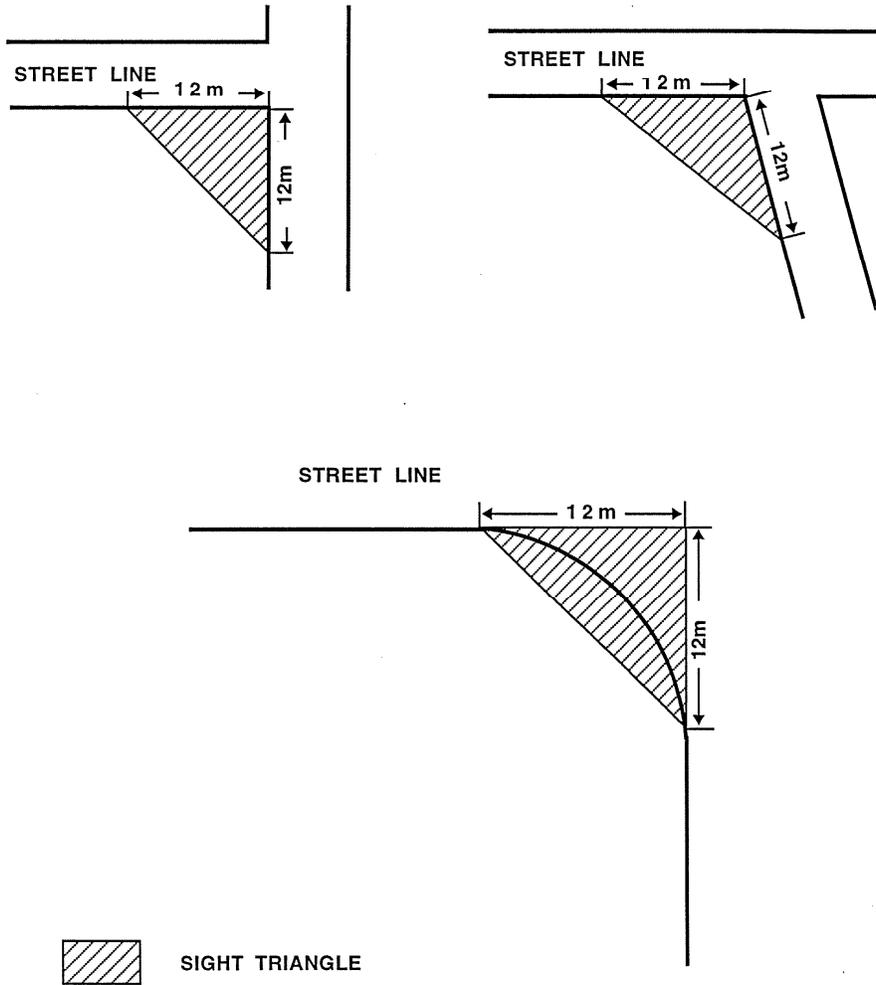
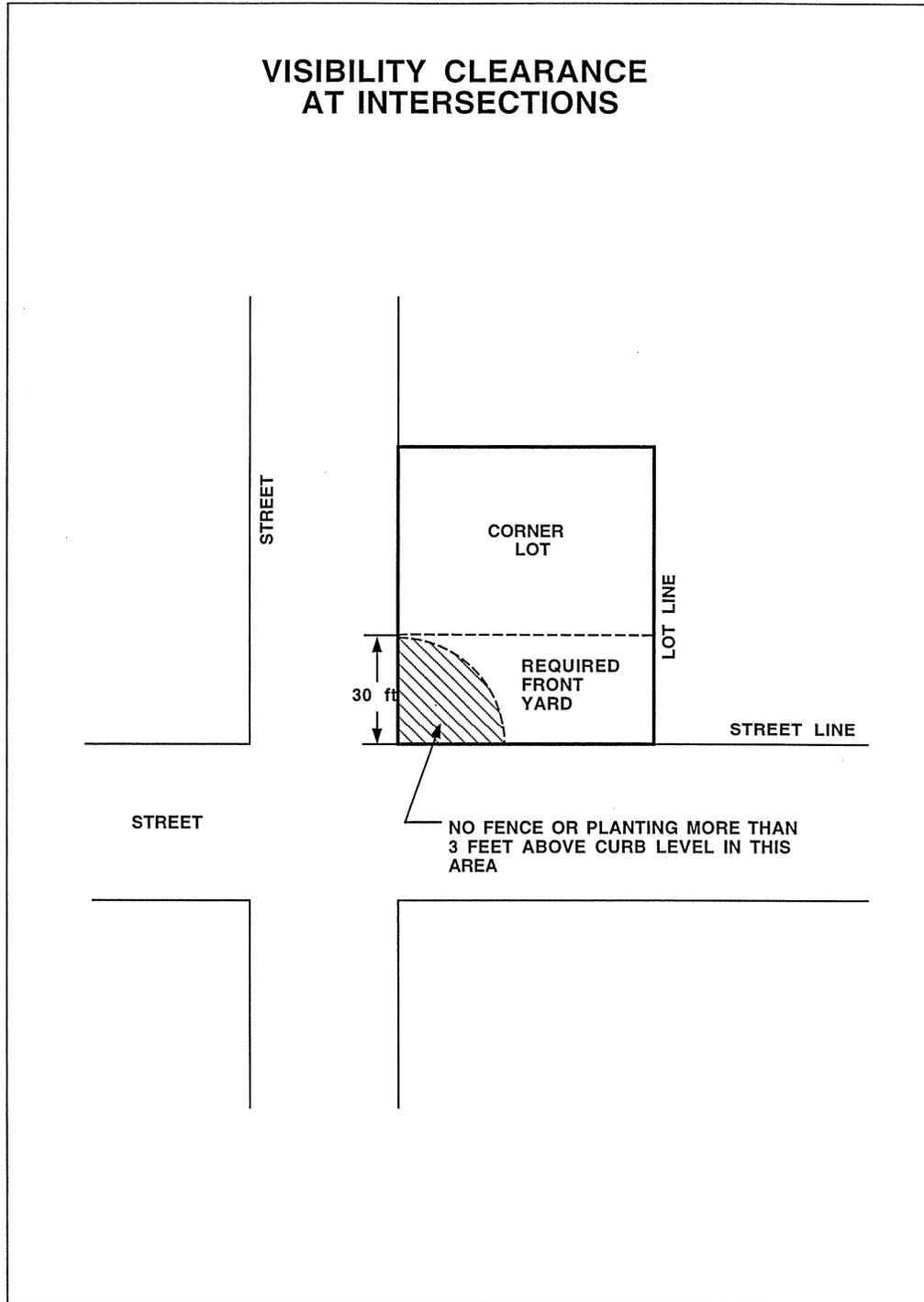
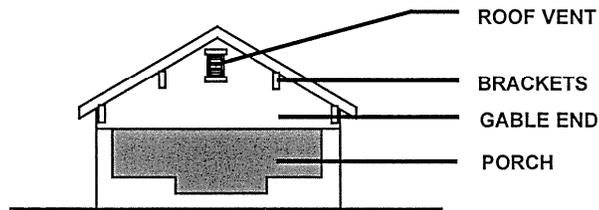
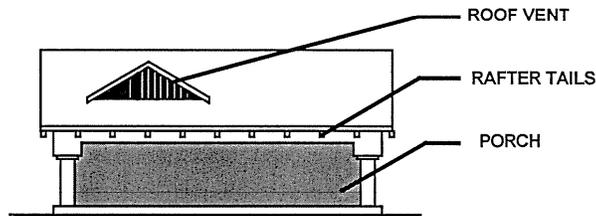
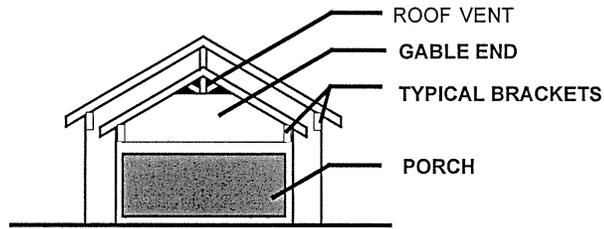


ILLUSTRATION OF SIGHT TRIANGLES

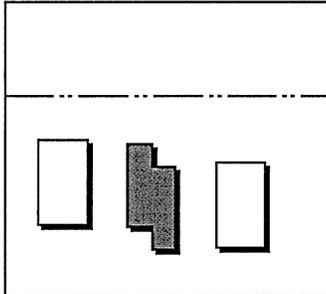




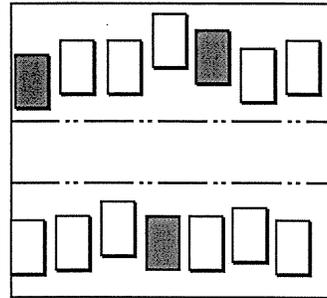
INFILL IN EXISTING NEIGHBOURHOODS ARCHITECTURAL CHARACTERISTICS



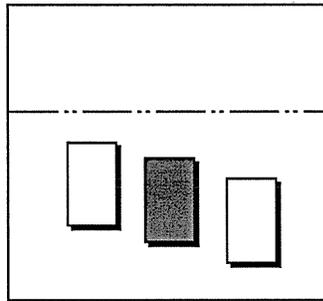
INFILL IN EXISTING NEIGHBOURHOODS SETBACKS FROM ROAD



STEPPED SETBACKS TO MATCH
ADJACENT BUILDINGS

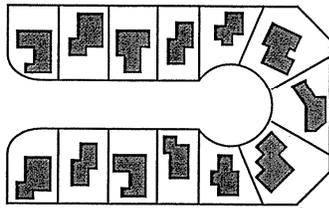


AVERAGE OF SETBACKS ON BOTH
SIDES OF STREET

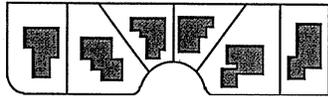


AVERAGE OF SETBACKS OF
ADJACENT BUILDINGS

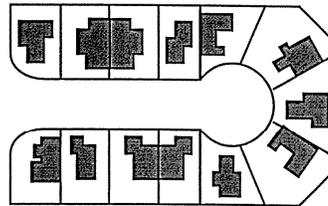
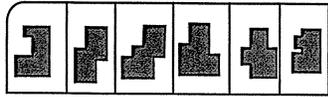
SETBACK GUIDELINES



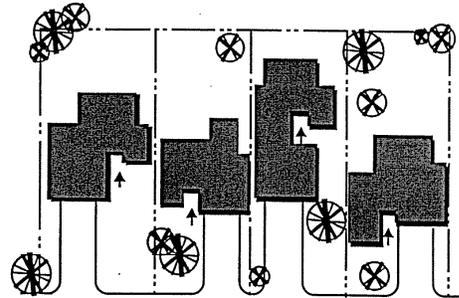
VARIED FRONT SETBACKS



INTERRUPTION OF STRAIGHT STREETS



VARIED SIDE YARD SETBACKS



STAGGERING OF SETBACKS TO EACH ENTRY
CREATES VARIETY AND IDENTITY.

ARTICLE III: ESTABLISHMENT OF ZONES

SECTION 300. ZONES

In order to carry out the goals and objectives of the City of Vicksburg's Comprehensive Plan, it is necessary to use a two-tier zoning district system: the first tier consists of underlying zoning districts regulating land uses and building bulk; the second tier is a neighborhood overlay district which are specifically designed to improve and enhance the visual appearance of each neighborhood with a lesser emphasis on the use of land.

Base Zoning Districts

For the purpose of this ordinance, the City of Vicksburg is hereby divided into the following base or underlying zoning districts, as follows:

Agricultural, AG
Estate Residential, ER
Single-Family Residential, R-1: Density 1-4 d.u. per acre
Single-Family Residential, R-2: Density 4-8 d.u. per acre
Multi-Family Residential, R-3: Density 8-12 d.u. per acre
Manufactured Home Residential, MHR, 4-8 d.u. per acre
Mixed Use Residential, MXR
Mixed Residential and Commercial, MXRC
Downtown Historic Residential and Commercial, DHRC
Neighborhood Commercial, C-1
General Commercial, C-2
Casino Commercial, C-3
Major Thoroughfares Commercial, C-4
Light Industrial, I-1
Heavy Industrial, I-2
Federal Preserve, FP
Federal ERDC

Neighborhood Overlay Districts

Overlaid on the above base zoning districts are the following Neighborhood Districts:

North Washington District
Haining Road District
Martin Luther King District
East Clay District
West Clay District
Historic Vicksburg District
Mid Town District
South Washington District
I-20 District
Porter's Chapel/Marion Park District

Warrenton Road District
61 South District

SECTION 301. ZONING MAP.

The aforesaid zoning districts are identified and delineated on a map entitled “Official Zoning Map of the City of Vicksburg, Mississippi.”

The official zoning map shall be identified by the signature of the mayor, attested by the city clerk and bearing the seal of the city under the following words respectively:

“This is to certify that this is the Official Zoning Map of the City of Vicksburg, Mississippi, adopted by the Mayor and Aldermen on the _____, 2015.”

If, in accordance with the provisions of this ordinance and Mississippi State Statutes, changes are made in the zone boundaries or other matters portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the mayor and aldermen, together with an entry on the official zoning map as follows: “On (date), by official action of the Board of Mayor and Aldermen, the following change(s) were made in the official zoning map: (description and nature of change),” which entry shall be signed by the mayor and attested by the city clerk. The amending ordinance shall provide that such changes or amendments shall be duly entered upon the official zoning map.

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Article V of this ordinance.

Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map, which shall be located in the office of the city clerk, shall be the final authority as to the current zoning status of land, buildings and other structures in the city.

SECTION 302. REPLACEMENT OF OFFICIAL ZONING MAP.

In the event the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the governing authority may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the city clerk and bear the seal of the city under the following words: “This is to certify that this Official Zoning Map supersedes and

replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance 71-8 of the City of Vicksburg, Mississippi.”

SECTION 303. RULES FOR INTERPRETATION OF ZONE BOUNDARIES.

Where the boundaries of a zoning district are uncertain as shown on the official zoning map, the following rules shall apply:

- 303.1** The center lines of streets, railroad lines, highways or alleys shall be indicated as boundaries between districts when any uncertainty exists as to the accurate boundary of these districts.
- 303.2** Approximate boundaries following platted lot lines or city limits shall be construed as following these lot lines or city limit lines.
- 303.3** Boundaries indicated as approximately following the center lines of streams, rivers, ditches, gullies or other bodies of water shall be construed to follow such center lines.
- 303.4** Boundaries indicated as parallel to or as extensions of physical features as indicated above shall be continued. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- 303.5** Any discrepancy noted of a district boundary line not covered by the above rules shall be interpreted by the Planning and Zoning Commission.
- 303.6 Regarding the Official Zoning Map, (formerly Section 410)** It hereby clarified that the zoning district currently in effect on any tract of land bordering on the Mississippi River or the Yazoo Diversionary Canal extends westward to the corporate limits of the City of Vicksburg, being the centerline of the Mississippi River or the Yazoo River Diversionary Canal, as the case may be.

ARTICLE IV: GENERAL REGULATIONS

SECTION 400. SUPPLEMENTARY DISTRICT REGULATIONS.

The purpose of this section is to take care of miscellaneous and left over material that may not apply in all districts but that may apply in groups of districts. The supplementary regulations section should not cover anything that applies universally through the city; The supplementary section should cover things that are applicable to several districts.

400.1 Non-permitted Uses Prohibited: Except as herein provided, no public or private building, structure or sign shall hereafter be erected, reconstructed or structurally altered, nor shall any public or private building, structure, sign or land be used hereafter or use be allowed for any purpose other than is permitted in the zone in which such building, structure, land or use is located. For example, outdoor storage is a use that unless specifically permitted is not allowed.

400.2 Height or Bulk Limits May Not Be Exceeded: Except as hereinafter provided, no public or private building, structure or sign shall hereafter be erected, reconstructed or structurally altered to exceed the height or bulk limit herein established for the zone in which such building, structure or sign is located.

400.3 Limits to Reducing Lot Areas: Except as hereinafter provided, no lot area shall hereafter be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance, and no building shall be occupied by more families than prescribed for such building, structure or premises for the zones in which it is located.

400.4 Limits to Use of Contiguous Lots: Except as hereinafter provided no space on one (1) lot shall be construed to provide a yard or open space for a structure constructed on another lot except where the lots are contiguous or owned by the same person and used as though the entire land area was as one (1) lot.

400.5 Erection of More than One Principal Structure on a Lot: In commercial and industrial districts, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

400.6 Visibility at Intersections in Districts: On a corner lot in all districts, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half and ten 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 streets lines 50 feet from the point of the intersection.

400.7 Fences, Walls, and Hedges: Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided

that no fence, wall, or hedge along the sides or front edge of any front yard shall not obstruct the vehicular view of traffic.

400.8 Accessory Buildings or Structures: No accessory building or structure shall be erected in any required front yard. No accessory building shall be erected within five feet of any other building and must meet all setback requirements. Only one accessory building or structure is permitted per lot.

400.9 Structures To Have Access: Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

400.10 Parking, Storage, or use of Major Recreational Equipment: For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. All major recreational equipment shall be maintained in accordance with the International Property Maintenance Code.

400.11 Swimming Pools. Must comply with the adopted building code and state regulations.

400.12. Exception and Modifications:

400.12.1 Lot of Record. Except as herein provided, in any zoning district where the owner of a lot at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform [to] the minimum lot area and/or minimum lot width requirements of this ordinance

400.12.2 Exceptions to Height Limits. The height limitations contained in this ordinance do not apply to church spires, belfries, cupolas, antennas, domes not intended for human occupancy, monuments, water storage tanks, ventilators, chimneys, smokestacks, observation towers, conveyors, flagpoles, masts and aerials, penthouses, scenery lofts, standpipes, false mansards, parapet walls, outdoor theater screens, or other similar attached structures or projections and necessary mechanical attachments usually required to be placed above the roof level and not intended for human occupancy, provided their construction is in accordance with existing or hereafter adopted ordinances of the City of Vicksburg.

400.12.3 Establishments Dispensing of Motor Fuels. Any establishment dispensing motor fuels shall be so constructed that, for driveways parallel to the street's boundary line, the center of the pump shall be at least eighteen (18) feet from the parallel street property line, and, if on a corner lot, the end pump shall be at least eighteen (18) feet from the other street property line. For driveways built diagonally across the corner lot, the centerline pumps shall be at least twenty-five (25) feet from the street corner of the

lot, which shall be measured along a line bisecting the angle of intersecting streets, and the end pumps shall be at least eighteen (18) feet from the property line.

SECTION 401. NONCONFORMITIES.

401.1 Intent. Within the districts established by this ordinance, or by zoning classification amendments that may later be adopted, there exist or could exist:

- a. Lots;
- b. Structures (not including sign structures which are regulated by Section 408);
- c. Uses of land and structures; and
- d. Characteristics of use;

which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to allow these nonconformities to continue until they are eventually 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.

401.1.1 Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming structure, 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 attachment to a building or premises or by additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature that would be prohibited generally in the district involved.

401.1.2 To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun 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 any existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

401.2 Nonconforming Lots. Development shall be allowed on a lot which does not conform to the lot area and lot requirements established in this ordinance for the zoning district in which it is located, notwithstanding limitations imposed by other provisions of this ordinance. Yard requirements, lot coverage and all other requirements shall be satisfied. Variance of yard requirements shall be satisfied. Variance of yard requirements shall be obtained only through action of the Planning and Zoning Commission. If all or part of two (2) or more lots or combinations of lots and portions of with continuous frontage in single ownership other than lots

of record at the time of passage or amendment of this ordinance which do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. No portion of said parcel shall be used or sold in a manner that diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made that diminishes compliance with lot width and area requirements established by this ordinance.

401.3 Nonconforming Uses of Land and Continuances. Where immediately prior to the effective date of this ordinance lawful uses of land exist, 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:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was actually occupied at the effective date of adoption or amendment of this ordinance;
- (2) 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;
- (3) If any such nonconforming use of land discontinues for any reason for a period of more than sixty (60) days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- (4) No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

401.4 Nonconforming Structures and Continuances. Where immediately prior to the effective date of this ordinance a lawful structure existed that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- (2) Should such nonconforming structure or nonconforming portion of a structure be damaged or destroyed by any cause whatsoever to the extent of more than fifty (50) percent of its building area at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance;
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

401.5 Continuance of Nonconforming Uses of Structures or Of Structures and Premises In Combination. If a lawful use or uses involving a structure or structures or of a structure and

premises in combination existed prior to the effective date of this ordinance which would not be allowed in the zoning district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, 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;
- (2) Any nonconforming use may be extended throughout any part of a building that was clearly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building or any area that was not clearly arranged or designed for such use;
- (3) If no structural alterations are made, any nonconforming use of a structure, or structure and premises may, as a special exception, be changed to another nonconforming use provided that the Planning and Zoning Commission, either by general rule or by making findings in the specific case, finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitted such change, the Planning and Zoning Commission may require appropriate conditions and safeguards in accordance with the provisions of this ordinance;
- (4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
- (5) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for sixty (60) consecutive days (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. Any structure that has fallen into obsolescence or has otherwise gone out of use is also considered discontinued or abandoned;
- (6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the structure and the structure may not be restored without the specific approval of the Planning and Zoning Commission. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost of the structure in which the use is operated as of the date of such destruction.
- (7) A nonconforming use may add products or services customary to that type of use, but the added products or services may not exceed fifty (50) percent of the floor

area of the existing structure. The nonconforming use shall not add activities that were not originally included in that facility.

401.6 Repairs and Maintenance. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replace merit of walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty (50) percent of the current replacement cost of the nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

- (1) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with adopted codes and ordinances of the City of Vicksburg.
- (2) Upon a written finding by the Planning and Zoning Commission that the nonconforming use is likely to continue, structural alterations and even some enlargement may be permitted as a special exception, subject to limitations and requirements including maximum lot coverage, controls on curb cuts, removal of nonconforming characteristics of use (such as excess signs), buffering and so forth.

401.7 Uses Under Special Exception Provision Not Nonconforming Uses. When a special exception is granted for a particular use for a particular site, that use shall not be deemed a nonconforming use in that particular case, except as provided by subsection 401.5(3) of this ordinance.

SECTION 402. OFF-STREET PARKING AND LOADING REQUIREMENTS.

402.1 Purpose.

1. The primary purpose of off-street parking and loading requirements is to reduce traffic congestion and minimize traffic hazards by providing for adequate and sufficient parking, loading, and unloading of motor vehicles outside public right-of-way. This allows additional traffic lanes for arterial roadways, provides more traffic capacity on arterial roadways, permits faster emergency access, and prevents unnecessary interference with traffic flows. Secondary purposes include minimizing development problems with neighboring uses; providing for special parking needs for handicapped drivers; providing adequate parking for all uses; requiring less public rights-of-way for both traffic lanes and on-street parking spaces, and allowing flexibility in meeting off-street parking needs. No portion of

any public right-of-way shall be considered as fulfilling or partially fulfilling the off-street parking and loading space requirements herein.

2. Off-street parking and loading spaces shall be provided as specified herein: at the time a building is erected, constructed, or moved; at the time a building or use is enlarged or increased in capacity such as by adding floor area, employees, or at the time of conversion from one (1) type of use to another. Provisions relating to maintenance and prohibitions apply to all developments including those in existence prior to the effective date of this ordinance.

402.1.1 General requirements.

1. In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of said spaces required shall be construed to be the next highest whole number. Whenever a change occurs, as set forth above, that would necessitate additional required parking spaces, said parking spaces shall be provided in the amounts hereafter specified if the existing parking area is inadequate to serve said change. The provisions of this ordinance governing parking lots within the Historic Vicksburg District shall be set aside, and such parking lots shall be governed by the City of Vicksburg Historic Preservation Commission. However, this section shall not be construed so as to relieve one from any other provisions of the parking lot regulations. Parking lots for dockside gaming establishments shall be regulated in accordance with the provisions of section 409 et seq. However, this section shall not be construed so as to relieve one from any other provisions of the parking lot regulations.
2. This ordinance applies to all off street parking lots.
 - a. Parking lots attached to a commercial use shall not be developed to occur within a residential zone designated as ER, R1, R2, R3, MHR, MXR, or DHRC in the Zoning Ordinance of the City of Vicksburg. If such commercial parking lots abuts a single-family or two-family residential zone (R1, R2, or R3), parking may not occur within twenty-five (25) feet of such residential zone. If such commercial parking lot abuts a multifamily residential zone (DHRC and R-3), parking may not occur within twenty-five (25) feet of such residential zone. However, if the parking facility or space is designated for tour buses and/or recreational vehicles, parking of tour buses and recreational vehicles shall not occur within fifty (50) feet of any residential zone ER, R1, R2, R3, MHR, MXR, or DHRC. There shall be a heavily landscaped visual and sound buffer between all parking lot areas and residentially zoned areas. This landscaped and visual sound buffer shall be a minimum of ten (10) feet wide.
3. All off-street parking facilities shall be located on the same lot or plot of ground as the principal building served. If parking is required on lots other than that of

the principal building served, the development will have to seek approval from the Site Plan and Preliminary Plat Review Committee. The hardship falls on the developer to prove why there is a need for parking on lots other than that of the principal building.

4. All businesses in the Historic Vicksburg District shall be exempt from parking provided they are within three (3) blocks of public parking. All new parking lots developed in the Historic Vicksburg District shall be reviewed and approved by the City of Vicksburg’s Historic Preservation Commission. Also, the off-street parking requirements for uses not specifically mentioned herein shall be the same as those for similar uses as determined by the administrative official. Parking spaces are calculated based upon the gross floor area occupied by the general public.

5. All existing and proposed athletic facilities, complexes and parks, developed by public and private entities, shall be handled on a case by case basis by the Site Plan and Preliminary Plat Review Committee. These types of facilities shall not be held to the standards set forth in this ordinance. The Site Plan and Preliminary Plat Review Committee shall review each proposed athletic facility, complex or park and work with the developer to develop a plan that protects the general health, safety and welfare of the public.

6. Minimum required parking spaces per use:

USES	REQUIRED PARKING SPACES
One-and two family dwellings	2 spaces per dwelling
Apartment complex (multifamily)	2 spaces per dwelling unit
Tourist homes, bed and breakfasts, hostels, hotels, motel and cabins	1 space per lodging room plus 1 space per dining/lounge table and 1 space per employee based on the combined largest shifts
Office buildings	1 space per 250 square feet of gross floor area
Clinics	2 spaces per treatment room
Behavioral and addiction treatment center, medical center or medical hospital	1 space per sleeping and outpatient treatment room plus 1 space per employee based on the combined largest shifts
Boarding house, halfway house, assisted living home, personal care home	1 space per sleeping room
Correctional, mental care institution, detention center or jail	1 space per employee based on the combined largest shifts plus 1 space per 10 residents
Adult or child day care center, nursery school	1 space per 400 square feet of gross floor area
Crisis center or soup kitchen, mission or shelter	1 space per 400 square feet of gross floor area plus 1 space per bed
Charitable or philanthropic institution	1 space per 500 square feet of gross floor area
Funeral home	1 space per 4 seats in chapel, if no chapel, then 1 parking space for every 15 square feet of viewing area

Athletic club, health club, spa	1 space per 400 square feet of gross floor area, swimming pool and deck areas
Country club, golf club, racquet club	4 spaces per court or green plus 1 space per 100 square feet of floor area, swimming pool and deck areas
Limited fraternal club, lodge or order, private club or lodge	1 space per 200 square feet of gross floor area
Farmers or produce market or produce stands	1 space per 300 square feet of gross floor area
Elementary, junior high or middle school, kindergarten	1 space per classroom plus 1 per employee
High school, university, college or community college	1 space per 300 square feet plus 1 per employee
City, county (government and quasi-government)	1 space per 300 square feet of gross floor area
Amphitheater, concert or performance hall, church, assembly hall, banquet hall, playhouse or theater	1 space per 4 assembly seats
Fishing, boating or swimming facilities	25 spaces per boat ramp plus 1 space per 100 square feet of gross designated swimming, beach and pier area
Marina	2 spaces per slip plus 25 spaces per boat ramp
Museum	1 space per 300 square feet of gross floor area
General and neighborhood commercial	1 space per 300 square feet of gross floor area
USES	REQUIRED PARKING SPACES
Shopping center or mall	1 space per 200 square feet of gross floor area
Broadcasting studio	1 space per 300 square feet of gross floor area
Animal hospital (VET)	4 spaces per treatment room
Animal pound or commercial kennel	1 space per 8 pens
Stable, commercial	1 space per 2 stalls
Automobile, boat, RV or truck dealership or auctions	1 space per 500 square feet of gross floor area plus 1 space per 2,500 square feet of vehicular display area
Automotive tire store	1 space per 300 square feet of gross floor area
Car wash, automatic or full service and restoration or upholstery shop for automobiles	5 spaces per car wash facility plus 1 space per employee based on the combined largest shifts
Car wash, self-service	2 spaces per car wash facility
Garage, repair, body & paint, or service	3 spaces per bay
Adult entertainment business	1 space per 100 square feet of gross floor area
Teen nightclub	1 space per 100 square feet of gross floor area
Baseball or softball batting cages	3 spaces per batting cage
Pool or billiard hall	2 spaces per pool or billiard table
Bowling alley	5 spaces per lane
Cinema or motion picture theater	1 space per 4 assembly seats
Game arcade or skating rink	1 space per 200 square feet of gross floor area
Go-cart track	20 spaces per track

Miniature golf	3 spaces per hole
Range, archery or shooting	2 spaces per shooting positions
Range, golf ball driving	3 spaces per tee box
Laundromat, commercial or coin operated	1 space per 200 square feet of gross floor area
Laundry drop-off and pick-up station	1 space per 300 square feet of gross floor area
Barber or beauty shop	2 spaces per barber chair
Photography or recording studio	1 space per 300 square feet of gross floor area
Tanning salon, tattoo parlor or body piercing establishment	1 space per 200 square feet of gross floor area
Full service and fast food restaurants	1 space per 65 square feet of useable gross floor area
Nightclubs	1 space per 50 square feet of gross floor area plus 1 space per dining table and 1 space per employee based on the combined largest shifts
Convenience store	5 parking spaces per 1,000 square feet of useable gross floor area

USES	REQUIRED PARKING SPACES
Implement or manufactured home dealership	1 space per 500 square feet of gross floor area plus 1 space per 2,500 square feet of vehicular display area
Travel center or truck stop	1 space per 200 square feet of gross floor area plus 1 space per dining/lounge table
Airport, bus station, general aviation landing strip, heliport, helistop	1 space per 200 square feet of gross floor area plus 1 space per employee based on the combined largest shifts
Charter or sightseeing watercraft service	1 space per 4 persons of maximum occupancy of each watercraft plus 1 space per employee based on the combined largest shift
Rental agency, automobile or truck	1 space per 500 square feet of gross floor area plus 1 space per 2,500 square feet of vehicular display area
Taxicab company or limousine service	1 space per employee based on the combined largest shift
Junk or salvage yard	1 space per employee based on the combined largest shift
Storage facility, self-storage	5 spaces plus 1 space per every 75 storage storage units
All Industrial establishments, including manufacturing, research and testing, laboratories and warehouses	1 space per employee based on the combined largest shift

7. Off-street parking regulations for all uses, with the exception of single-family, two-family, and multifamily residential uses, are the following:

- a. Any required parking space shall be used for parking only. Any other use of such space, including product display, storage, repair work, or servicing of any kind other than in an emergency, shall be deemed to constitute a violation of the provisions herein;
- b. Unless otherwise approved by the Planning and Zoning Commission, structures of any kind shall not be built within required parking spaces;
- c. A parking lot shall not be reduced or encroached upon unless approved by the Site Plan and Preliminary Plat Review Committee; and
- d. Parking spaces shall not be provided within fifteen (15) feet of a fire hydrant.
- e. Lots shall be designed so that all vehicles leaving the facility will be traveling forward.

402.2 Nonconforming parking lots. When the square footage of a nonconforming parking lot is increased, compliance shall be as follows:

- 1. Expansion by less than fifty (50) percent: when a parking lot area is expanded by less than fifty (50) percent, only the expansion are must be brought into compliance. However, expansion of a lot, which will result in twenty (20) or fewer spaces, will not have to comply with the landscaping requirements of this ordinance.
- 2. Expansion by fifty (50) percent or more: when a parking lot area is expanded by fifty (50) percent or more, the entire expansion are shall be brought into compliance and the preexisting parking lot area shall be brought into compliance with the landscaping requirements of this section.

402.3 Parking lot requirement standards. Encroachment barriers such as wheel stops or continuous concrete curbing of at least six (6) inches in height shall be required for parking spaces abutting landscaped areas, structures, fences, walls, and sidewalks or walkways. These barriers shall be placed so that motor vehicles will not come into contact with any landscape material, structure, fence or wall. In addition, encroachment barriers shall be situated so that the length of the required parking space is not decreased.

Any business, such as a grocery store, which uses self-service shopping carts in order to allow customers to carry goods between the business and their motor vehicles is required to install shopping cart corrals within its parking lot. No parking space shall be more than sixty (60) feet from any such corral, and said corrals shall be shown on required parking plans. The corrals shall be designed so that patrons can return the shopping carts to said corrals via aisles or designated walkways without having to cross parking spaces said corrals shall be emptied of shopping carts regularly and shall be maintained.

1. **Avoidance of interferences:** All parking areas shall be located and designed so as to avoid undue interferences with the use of public streets and alleys. The location of all curb cuts and entrances onto public streets shall be approved by the department of public works.
2. **Surfaces.** All required parking areas, driveways and circulation areas shall be surfaced with asphalt, concrete, exposed aggregate concrete or other, similar hard surfaces. Gravel or other aggregates will not be allowed. Any other hard surface type will be reviewed for consideration by the Site Plan and Preliminary Plat Review Committee. Exception: refer to Historic Preservation Guidelines per Historic Preservation Ordinance.
3. **Separation from building:** All parking areas located next to the building shall be separated at least eight (8) feet from buildings with a five foot sidewalk and a three foot landscaped area.
4. **General dimensions and identification of parking spaces:** For purposes of this section, a parking space shall not be less than nine (9) feet by eighteen (18) feet.
5. **Aisle widths:** The minimum widths of aisles between rows of parking stalls shall vary with the angle of parking; the wider the parking angle, the wider the aisle width required. The minimum aisle widths shall be as shown below, based on one-way or two-way traffic and the angle of parking:

	45°	50°	55°	60°	90°
One-way	13'	14'6"	16'	17'6"	20'
Two-way	15'6"	17'	18'6"	20'	25'

6. **Parallel parking space dimensions:** Whenever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall not be less than twenty-two (22) feet by ten (10) feet excluding all driveway entrances and exits.
7. **Widths of driveways:** Driveways and entrances shall be a minimum of twelve (12) feet and a maximum of fifteen (15) feet in width for one-way traffic and a minimum of twenty-five (25) feet and a maximum of thirty-nine feet in width for two-way traffic.
8. **Vehicle movement generally:** All parking lots shall be designed so that sanitation, emergency and other public service vehicles can serve such parking lot without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements. Every vehicle movement area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so

that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation or other obstruction.

9. Circulation areas: Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
10. Ingress and egress: Parking lots with twenty (20) or more parking spaces shall have two (2) remote points of ingress and egress as approved by the Site Plan and Preliminary Plat Review Committee.
11. Maintenance of parking and loading areas: Parking lot and loading areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, all surface shall be kept in good condition, free from potholes, loose gravel, etc. and parking space lines or markings shall be kept clearly visible and distinct at all times.
12. Grades: General parking shall not occur on a grade exceeding six (6) percent and shall not exceed two (2) percent for handicapped parking. In areas where the existing grade exceeds fifteen (15) percent, a special exception may be granted from the general parking requirement mentioned herein; provided however that a hardship has been shown.
13. Handicapped accessibility guidelines: all new parking lots shall conform to the accessibility guidelines of the American Disability Act.
14. Parking lot lighting locations: Parking lot lighting can be located in the parking lot, attached to the building that the parking lot surrounds and/or along the perimeter of the parking lot as needed. Lighting shall not be placed in such a way as to disrupt the flow of nor create a hazard to vehicular or pedestrian traffic. All wiring, electrical conduits and other electrical systems pertaining to parking lot lighting shall be located underground or in such a way that they are out of sight. Overhead wiring will not be allowed. Parking lot lighting, when mounted on poles, shall be located within landscape islands wherever possible.
15. Loading space requirements: Such space shall include a twelve-foot by forty-foot loading space with a fourteen-and-one half-foot height clearance for every ten thousand (10,000) square feet of building floor area. This restriction shall not be applicable for existing buildings in the Historic Vicksburg District. The setback of a loading dock parallel to a road shall be at least seventy (70) feet as measured from the right-of-way line to the loading dock in order to avoid undue interference with said road right-of-way.
16. Parking islands: Parking islands with minimum six-inch concrete curbs must define the ends of all parking aisles. These islands must be at least eight (8) feet in width and the full length of the parking space. This serves important circulation and aesthetic functions by enhancing parking aisle visibility, by

maintaining drivers' sight lines at internal intersections, by protecting vehicles parked at the ends of rows from turning traffic, and by providing areas for landscaping.

402.3.1 Parking lot and landscaping plans.

See Section 614 Landscape Plan.

402.3.2 Inspection.

The zoning administrator or his or her authorized agents shall inspect each new parking lot or an expansion of an existing parking lot upon completion to issue a final permit. If the construction is substantially complete but not in full compliance with this ordinance, the zoning administrator or his or her authorized agents, shall give the owner, tenant, lessee, contractor or applicant notice of the deficiencies and shall specify a reasonable period of time from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected within such specified time period, the initial approval permit shall lapse and become void. If the construction is complete, the zoning administrator or his or her authorized agents, shall issue the final inspection permit.

SECTION 403. SIGN REGULATIONS

403.1 Purposes. It is not the intent or purpose of these regulations to restrict or infringe upon any constitutionally guaranteed right of freedom of speech or expression, particularly regarding sign content or messages conveyed. The purposes of the sign regulations are: to encourage the effective use of signs as a means of communication in the City of Vicksburg by preventing over concentration, improper placement, and excessive size and number; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to maintain and enhance the aesthetic environment in the City of Vicksburg as a means of promoting the tourism industry; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs (e.g. hazards to public safety or constitutes a nuisance by reason of glare, noise, animation, flashing or other objectionable influence) on nearby public and private property, including the value of said property; and to enable the fair and consistent enforcement of these sign restrictions. This sign ordinance is adopted under the zoning authority of the City of Vicksburg in furtherance of the more general purposes set forth in the zoning ordinance. These regulations regulate sign type, size, height, design, number, lighting, location, construction materials, portability, moving parts, and fixed messages versus changing messages.

403.2 Applicability; effect. A sign may be erected, placed, established, painted, created, or maintained in the City of Vicksburg only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

The effect of this ordinance as more specifically set forth herein, is:

To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance;

To allow certain signs that are small unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;

To establish a fair and equitable means by which the various nonconforming signs within the city are brought into conformance with these regulations, or otherwise removed;

To prohibit all signs not expressly authorized by this ordinance; and

To provide for the enforcement of the provisions of this ordinance;

To provide for the removal of nonconforming signs

403.3 Applicability in the Historic Vicksburg District.

The provisions of this ordinance governing the size, location, construction, type or any other physical attribute of signs located within the Historic Vicksburg District shall be set aside, and such signs shall be governed by the guidelines established by the City of Vicksburg Historic Preservation Committee. However, this section shall not be construed so as to relieve one from any other provisions of these sign and outdoor advertising regulations.

403.4 Applicability to Dockside Gaming Establishments. Signage for dockside gaming establishments shall be regulated in accordance with the provisions of section 408 et seq. of the zoning regulations since dockside gaming establishments and their ancillary uses, including signs, are permitted only by special exception approved by the Planning and Zoning Commission. However, this section shall not be construed so as to relieve one from any other provisions of these sign and outdoor advertising regulations.

403.5 Computations. The following principles shall control the computation of sign area and sign height:

1. Computation of area of individual signs: The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

2. Computation of area of multi-faced signs: The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.
3. Computation of height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.
4. Freestanding signs. No freestanding sign shall be placed within five (5) feet of the public right-of-way, street or sidewalk.

403.6 Signs allowed with permits. Signs shall be allowed on private property in the City of Vicksburg in accordance with the following:

1. Except for outdoor advertising signs, the sum of the area of all building and freestanding signs on the lot conforms with the maximum allowed sign area as determined for the zoning district in which the lot is located as indicated in Tables 1 and 2 attached.
2. Except for outdoor advertising signs, the property, lot or parcel upon which the sign is to be placed houses a structure or active land use in conformance with the provisions of the zoning regulations. For clarification and administrative purposes, a vacant lot shall not contain any additional sign (except for an outdoor advertising sign) other than that which may already exist, and a nonconforming land use shall not contain any additional sign above that which may already exist.
3. Nonconforming, existing signs associated with the activity conducted on the lot or parcel which were in existence on the effective date of this ordinance [Ordinance No. 2005-27] or on a later date when the property is annexed to the City of Vicksburg. A nonconforming sign is a sign constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this ordinance. Signs which were made nonconforming by the adoption of this ordinance may remain in place and be maintained, provided that no action is taken which increases the degree or extent

of the nonconformity. However, any nonconforming sign, except for outdoor advertising signs governed by section 407.17, shall either be eliminated or made to conform when any proposed change, repair or maintenance would constitute an expense of more than fifty (50) percent of the lesser of the original value or replacement value of the sign.

403.7 Permits required. If a sign requiring a permit under the provision of this ordinance is to be placed, constructed, erected or modified, including the name on the sign, the owner, tenant lessee or sign contractor shall secure a sign permit prior to the construction, placement erection or modification of such sign in accordance with the replacements of section 407.12. Signs shall not be erected in the public right-of-way except in accordance with section 407.9

A sign permit will not be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect.

403.8 Design, construction and maintenance. All signs shall be designed, constructed, and maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of the adopted building and electrical codes of the City of Vicksburg at all times.
2. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure.
3. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times. signs shall not be allowed to fall into a state of disrepair or to have an appearance of neglect with regard to maintenance. Signs shall not be made structurally sound by guy wires or unsightly bracing.

403.9 Signs in the public right-of-way.

1. Signs shall not be placed in the public right-of-way, street, sidewalk or alley, or affixed to any utility pole, tree or fence therein, except for the following:
 - A. Permanent signs. Permanent signs, including:
 - i. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
 - ii. Informational signs of a public utility regarding its poles, lines, pipes or facilities; and

- iii. Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with and permitted by the applicable City of Vicksburg Zoning Ordinance provisions.
 - B. Emergency signs, Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
 - C. Community Event Signs. Temporary signs for non-profit special events, community events or festivals shall be allowed only after written application from the person or entity wanting to place the sign and approval of the zoning department. The signs shall be approved on a first come first serve basis. The signs shall be four (4) by eight (8) foot vinyl banners with 3” or 4” block lettering with the sponsor of the function, function name, function time, function date and location of function only on the sign. The signs may only be placed at the following locations for a period of seven (7) days prior to the event and must be removed within two (2) days after its purpose has concluded:
 - (1) Halls Ferry Road at the intersection of South Frontage Road;
 - (2) Halls Ferry Road north of Sonic;
 - (3) North Washington Street and Haining Road;
 - (4) Clay Street at the intersection of North Frontage Road;
 - (5) Mission 66 at the intersection of Indiana Avenue;
 - (6) Highway 61 South at the Airport
2. Penalties for unlawful signs in the public right-of-way.
- A. Any sign installed on or placed in any public right-of-way, street, sidewalk or alley, or affixed to any utility pole, tree or fence therein, unless otherwise allowed by this ordinance, constitutes a hazard to the traveling public and shall be forfeited to the public and subject to confiscation and disposal. The city zoning administrator, or other designated city employees may remove the prohibited signs immediately. In addition to other remedies hereunto, the city shall have the right to recover from the owner or person placing such a sign, or the person, business, or nonbusiness that is being advertised or is the subject of the sign, the full costs of removal and disposal of such sign.
 - B. Violation by any person of any provision of this ordinance, shall, upon conviction thereof, constitute a misdemeanor and subject such person, upon conviction thereof, to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand (\$1,000.00), and expenses involved in the case. Each day that any such unlawful sign remains in the prohibited area constitutes a separate offense.

403.10 Signs exempt from regulation under this ordinance. The following signs shall be exempt from regulation under this ordinance:

1. Any public notice or warning required by a valid and applicable federal, state or local law, regulation, or ordinance;
2. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three (3) feet beyond the lot line of the lot or parcel on which such sign is located;
3. Works of art that do not include a commercial message;
4. Traffic control signs on private property, the face of which meets the Department of Transportation standards and which do not contain any commercial message of any sort.

403.11 Signs prohibited under this ordinance. All signs not expressly authorized under this ordinance or exempt from regulation hereunder in accordance with the previous section are prohibited in the City of Vicksburg. Such signs include, but are not limited to:

1. A sign or other device which is displayed in such a manner as to obstruct free and clear vision of vehicle drivers; or at any locations where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic or government sign, signal or device; or which makes use of the words “stop”, “look”, “danger”, or any other words, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic;
2. Signs having red, green, yellow, amber, or blue lights which imitate or resemble official emergency vehicle or traffic signs or signals;
3. Illuminated signs or lighting devices that are placed or directed as to permit focused light to be directed or beamed upon a public street, highway, sidewalk, the sky or adjacent premises so as to cause glare or reflection that constitutes a traffic hazard, or unreasonably interferes with an owner’s use and enjoyment of his property;
4. Signs that contain statements, words or pictures which are obscene or illegal or emits audible sound, odor or visible material or any combination thereof;
5. Signs or advertising devices that are erected on, placed on, projected or overhang any public right-of-way, walkway, street, or alley as described in Section 407.9;
6. Signs and sign structures which are abandoned, unsafe, containing no message or containing a message pertaining to a defunct business or a past event;

7. Signs or any type of advertising material written onto or affixed in any way to any utility or light pole, utility box or wire, traffic or street sign, fence, street furnishings, monument, tree, shrub, rock, natural object or other similar object;
8. Signs which obstruct any window, door, fire escape, stairway or any opening intended to provide air, ingress or egress for any building or structure;
9. Beacons, laser lights, and spotlights except as may be allowed by special exception with such conditions as may be imposed by the Planning and Zoning Commission;
10. Roof signs;
11. Portable signs.

403.12 General permit procedures. The following procedures shall govern the application for, and issuance of, all sign permits under this ordinance:

403.12.1 Applications: All applications for sign permits of any kind shall be submitted to the city's zoning administrator on an application form or in accordance with application specifications published by the zoning administrator.

403.12.2 Fees: Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the governing body of the City of Vicksburg.

403.12.3 Completeness: Within five (5) days of receiving an application for a sign permit in the Community Development Department it shall be reviewed for completeness. If the Zoning Administrator or his or authorized agents, finds that it is complete, the application shall, within such five-day period, notify the applicant of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this ordinance.

403.12.4 Action: Within seven (7) days of the submission of a complete application for a sign permit, the zoning administrator or his or her authorized agents, shall either:

1. Issue the sign permit, if the sign (2) that is the subject of the application conforms in every respect with the requirements of this ordinance; or
2. Reject the sign permit if the sign (s) that is the subject of the application fails in any way to conform with the requirements of this ordinance. In case of a rejection, the zoning administrator or his or her authorized agent shall specify in the rejection the section or sections of the ordinance with which the sign (s) is inconsistent.

403.13 Permits to construct or modify signs. Signs shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the zoning department. Such permits shall be issued only in accordance with the following requirements and procedures.

403.13.1 Permit for new sign or for sign modification. An application for construction, creation, or installation of a new sign or for modification of any existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign. One (1) application and permit may include multiple signs on the same lot. Signs over seven (7) feet in height shall require engineered drawings prepared by a registered professional engineer licensed to practice in the State of Mississippi, and these signs will also require a building permit from the City of Vicksburg Community Development Department.

403.13.2 Inspection. The zoning administrator or his or her authorized agents, shall inspect each sign for which a permit is issued either at the time of completion of installation of the sign or sixty (60) days from the issuance of the sign for on premises signs and six (6) months for outdoor advertising signs, whichever is earlier. If the sign is not installed within the applicable time period, the permit will lapse and a new permit will be required. If the construction is not complete at the time of inspection, the permit shall lapse and become void. However, anytime prior to the expiration of the permit, the permit holder may petition the zoning administrator for an extension of the permit upon showing “good cause” as to why construction will not be completed within the allotted time period. “Good cause” includes, but is not limited to: failure of a third-party contractor to perform as agreed; inclement weather and/or ground conditions over a period of time that precludes safe and property completion of the project: inability to obtain and/or secure sufficient equipment, material and/or labor to complete the project and/or any other event or combination of events beyond the control of the permit holder. If the construction is completed in full compliance with this ordinance and with the building and electrical codes, the zoning administrator or his or her authorized agents will issue a final sign permit. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes and the permit holder has not received an extension in accordance with the procedure set forth above, the zoning administrator, or his or her authorized agent, shall give the owner, tenant, lessee or sign contractor or applicant notice of the deficiencies to be corrected. If the deficiencies are not corrected within such specified time period, the permit shall lapse and new permit will be required.

403.14 Lapse of Sign Permit: A sign permit shall lapse if the business activity on the premises is discontinued for a period of sixty (60) days.

403.15 Temporary Signs for Businesses. Temporary signs on private property shall be allowed only upon the issuance of a temporary sign permit, unless exempt herein. A business is allowed to display temporary signs during a specified time period as set forth below. Temporary signs shall be subject to the following requirements:

1. Temporary signs for businesses are limited to fifteen (15) days. Such signs shall be a maximum of thirty-two (32) square feet in size.
2. Banners are limited to a period of sixty (60) days and are allowed for one (1) occasion only. Such signs shall be a maximum of thirty-two (32) square feet in size.
3. In the instance of temporary signs used to advertise the sale of real estate, such signs may be placed upon and remain upon the subject property for an unspecified period of time, as the sale of real estate is not predictable and therefore not practical to limit the time such sign may be on display. Such signs, however, shall be removed within ten (10) days following the sale of said real estate. Temporary signs shall not be placed in the City of Vicksburg right-of-way. Temporary signs used to advertise the sale of real estate shall be exempt from the restrictions in 403.6(2), neither shall a permit be required.
4. Temporary signs located on construction sites – no permit required. The sign must be taken down within ten (10) days after completion of the building.

403.16 Yard Signs. Yard signs shall be allowed in accordance with the following conditions:

403.16.1 Size and location of signs: Yard signs shall be allowed the maximum size in residential zones, and either freestanding or building signs in nonresidential zones. Signs on private property may only be placed with the permission of the property owner or tenant. Yard signs shall not be placed in the City of Vicksburg right-of-way.

403.16.2 Removal of yard signs: Yard signs shall be removed within ten (10) days following the event's conclusion. Each political sign not removed within the specified period of time will be forfeited and subject to the removal by the City of Vicksburg at a cost set forth in section 403.22. Additional provisions of these regulations pertaining to violations, penalties and remedies shall also apply.

403.17 Outdoor Advertising Signs – Limitation and regulation of outdoor advertising signs.

403.17.1 Purpose. It is the purpose of this ordinance to prevent the proliferation of outdoor advertising signs in the City of Vicksburg and to provide for the relocation of such signs and sign faces currently located in certain sensitive areas of the city to areas more appropriate for this use.

403.17.2 Cap and replace. In order that the total face area and number of faces of all outdoor advertising signs currently located within the city not be increased, no person shall construct an outdoor advertising sign without first removing an outdoor advertising sign equal to or exceeding in face area and/or number of faces.

403.17.2.1 Inventory of outdoor advertising signs. An inventory of all sign faces and the total face area shall be maintained by the zoning administrator, or his or her authorized

agent. The initial inventory shall reflect to total number of sign faces and total face area existing as of October 1, 2003. The inventory shall be compiled on the basis of any and all applications for conforming and nonconforming outdoor advertising permits as well as any applications for replacement permits pursuant to subsection 408.17-5.7 submitted on or after October 3, 2005, and shall differentiate between conforming outdoor and nonconforming outdoor advertising signs located in permitted areas and nonconforming outdoor advertising signs subject to the relocation provisions set forth in subsection 408.17-5.5 below. Thereafter, the zoning administrator will update the inventory as needed to accurately reflect the size, location and status of all outdoor advertising sign faces located in the city.

403.17.2.2 Administration of cap and replace program. In order to administer this provision, the zoning administrator or his or her authorized agents, shall issue an outdoor advertising replacement permit to any person who permanently removes a lawfully existing nonconforming outdoor advertising sign. The zoning administrator shall note on the replacement permit the number of faces and face area and the zone district in which the sign was located for every sign face removed. No outdoor advertising sign construction permit shall be issued unless the applicant tenders for cancellation a replacement permit(s) with a total face area and number of faces noted of the same or greater area and number of sign faces to be constructed and installed pursuant to the outdoor advertising sign construction permit.

403.17.3 Effect of annexation. In the event the City of Vicksburg expands and/or increases the total area of the city zoned either by annexation or rezoning pursuant to a change in the city's comprehensive plan, outdoor advertising signs will be permitted as allowed by this ordinance. In the case of annexation, outdoor advertising signs located in the annexed area immediately prior to annexation, if they do not conform to these regulations will be deemed to be a nonconforming sign.

403.17.4 Outdoor advertising sign standards. Outdoor advertising signs are permitted within the City of Vicksburg subject to the following requirements:

403.17.4.1 Permitted areas. Outdoor advertising signs are permitted only in areas of the city zoned see Table 1. Regardless of zoning, outdoor advertising signs are not permitted within that portion of the city lying within and encompassed by the following boundary (referred to as "prohibited area"):

A triangular shaped area in the downtown urban area bounded by I-20 on the south and east, the Mississippi River and Yazoo Diversion Canal on the west, and on the north by an imaginary line from the intersection of the North Frontage Road and Clay Street to a point where North Washington Street intersects with the south side of Haining Road with a line projected westwardly to the Yazoo Diversion Canal (hereinafter "prohibited area").

The only exception to signs within the prohibited area is that a maximum of four (4) sign structures will be allowed on the east side of Washington Street between the south side of Clark Street and I-20.

403.17.4.2 Height and area restrictions

1. Outdoor advertising signs located in permitted zones along Interstate 20 are subject to the height and area restrictions set forth in the agreement between the State of Mississippi and the United States Secretary of Transportation and shall be regulated pursuant to the standard operating procedures adopted by the Mississippi Transportation Commission.
2. On Highway 61 and all other state highways within the City of Vicksburg, the maximum height area for an outdoor advertising sign face shall be four hundred (400) square feet and shall not exceed forty (40) feet in height. Computation of the area and height of any outdoor advertising sign shall be in accordance with the method set forth in subsection s408.5-(1), (2) and (3).
3. On all other streets within the City of Vicksburg, the maximum area for an outdoor advertising sign face shall be three hundred (300) square feet and shall not exceed forty (40) feet in height. Computation of the area and height of any outdoor advertising sign shall be in accordance with the method set forth in subsection s408.5-(1), (2) and (3).

403.17.4.3 Spacing restrictions

1. Outdoor advertising signs located in permitted zones along Interstate 20 are subject to the spacing requirements set forth in the agreement between the State of Mississippi and the United States Secretary of Transportation and shall be regulated pursuant to the standard operating procedures adopted by the Mississippi Transportation Commission.
2. On all other streets and highways within the City of Vicksburg outdoor advertising signs shall be no less than five hundred (500) feet from any other outdoor advertising sign except that this separation requirement may be reduced to two hundred fifty (250) feet where two outdoor advertising signs are visually obscured from each other on a permanent basis.
3. An outdoor advertising sign shall not be located within one hundred twenty-five (125) feet on any school (kindergarten through twelfth grade), church or other place of worship, or area zoned for residential use. For purposes of this provision, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the outdoor advertising sign to the nearest property line of the school, church/place of worship or area zoned for residential use.
4. The minimum distance between outdoor advertising signs shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs along the same side of the street or streets connecting them and

shall apply only to outdoor advertising signs located on the same side of the street or streets connecting them. An outdoor advertising sign shall be deemed to be located on the street nearest the sign.

403.17.4.4 Construction and maintenance of outdoor advertising signs. All outdoor advertising signs shall be designed, constructed, and maintained in accordance with the following standards:

1. All such signs shall comply with applicable provisions of the adopted building and electrical codes of the City of Vicksburg at all times.
2. All such signs shall be ground mounted by means of a single steel pole. Outdoor advertising sign faces may be erected back-to-back or in a “V” type configuration with no more than two (2) displays per face. Double decked, or stacked sign faces shall not be permitted.
3. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code and, shall be kept clean and neat in appearance. Outdoor advertising signs shall not be made structurally sound by the use of guy wires or unsightly bracing.
4. All signs shall be required to have a permit before construction and shall be inspected in accordance with section 408.13, including 408.13-1 through 408.13-2.

403.17.4.5 Illumination of outdoor advertising signs. Outdoor advertising signs may be externally illuminated provided that the light source is directed on the face of the sign and is effectively shielded so as to prevent rays or beams of light from being directed onto any portion of the traveled way so as to cause glare and/or limit vision and shall not be directed onto any adjacent building or structure in a manner that would disrupt the quiet enjoyment of the same.

403.17.4.6 Conditions not permitted. Conditions which present an immediate hazard to public safety are not permitted with regard to outdoor advertising signs and displays posted thereon. These conditions include, but are not limited to:

1. Any display that obstructs free and clear vision of vehicle drivers; or at any locations where, by reason of the position, shape, or color, it may interfere with, obstruct the view of or be confused with any authorized traffic or government sign, signal or device; or which makes use of the words “stop”, “look”, “danger”, or any other words, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic;
2. Any display having red, green, yellow, amber, or blue lights which imitate or resemble official emergency vehicle or traffic signs or signals;

3. Illuminated lighting devices that are placed or directed as to permit focused light to be directed or beamed upon a public street, highway, sidewalk, the sky or adjacent premises, including beacons, laser lights, and spotlights;
4. Any display utilizing advertising devices that are erected on, placed on, projected or overhang any public right-of-way, walkway, street, or alley as described in section 408.9;
5. Outdoor advertising signs which are abandoned and/or maintained in an unsafe condition;
6. No outdoor advertising sign shall be placed within fifteen (15) feet of the public right-of-way, street or sidewalk.

403.17.5 Existing outdoor advertising signs.

403.17.5.1 Conforming and nonconforming outdoor advertising signs. Any outdoor sign existing on the effective date of this ordinance which complies in all respects to the provisions of this section and any other applicable law, is hereby deemed to be a “conforming outdoor advertising sign” and shall be entitled to a permit upon timely application according to the applicable provisions of sections 408.12 and 408.13 and payment of the required fee. Any outdoor advertising sign which was legally erected, but does not conform to the provisions of this law, is a nonconforming outdoor advertising sign and shall be entitled to a permit upon timely application and payment of the fee if it is allowed by section 407.17-4.1.

403.17.5.2 Maintenance of nonconforming outdoor advertising signs. Any nonconforming outdoor advertising sign may continue to exist but may not be enlarged and/or altered in any way that would increase its nonconformity or create any additional nonconformity. A nonconforming outdoor advertising sign may be maintained as follows:

1. By painting or refinishing the surface of the sign face and sign structure, or by replacing damaged panels, so as to keep appearance of the sign the same as it was in the adoption of this law or subsequent amendment hereto which resulted in such sign becoming a nonconforming outdoor advertising sign;
2. By replacement of light bulbs or similar expendable electrical devices, and repair and replacement of electrical components for safety reasons only and not to improve or upgrade the appearance or utility of the sign; and
3. By repairs to any catwalk, climbing and/or support apparatus necessary to ensure the safety of individuals who are required, as a part of their employment to physically access the sign and any other repairs necessary to comply with any state and/or federal safety requirements.

Any other alteration and/or modification of a nonconforming outdoor advertising sign that does not enlarge and/or increase its nonconformity or create any additional nonconformity may be performed only upon the issuance of an appropriate permit pursuant to the applicable provisions of subsection 408.12. Nonconforming outdoor advertising signs that are the subject of the provisions of section 408.17-5.7(b) below may be maintained in the manner set forth above until removed.

403.17.5.3 Repair to nonconforming outdoor advertising sign in permitted areas. In the event that a nonconforming outdoor advertising sign located in a permitted area, as identified in sub-section 408.17-5.8(b) above is damaged by fire, wind, flood, exposure or sudden casualty and the cost to repair such sign (including the sign structure) does not exceed fifty (50) percent of the cost to replace such sign may be repaired provided that:

1. An appropriate permit is obtained pursuant to the applicable provisions of section 408.12 within thirty (30) days after such casualty;
2. The repair is commenced within thirty (30) days after the issuance of such permit and diligently pursued to completion; and
3. The repaired sign will comply with all applicable building and electrical codes.

403.17.5.4 Abandoned outdoor advertising signs. An abandoned outdoor advertising sign cannot become or continue to be either a conforming or nonconforming outdoor advertising sign. Abandoned signs shall be deemed illegal signs to be removed pursuant to the procedures set forth in subsections 408.19, 408.20 and/or 408.21.

403.17.5.5 Removal and replacement of certain nonconforming signs. All nonconforming signs which are nonconforming, in whole or in part, due to their location within the prohibited area described in section 408.17-4.1 where outdoor advertising signs are not permitted shall be removed and replaced in a permitted location within twelve (12) months (Clay Street, Halls Ferry Road, Bowmar Avenue, Cherry Street Bridge and Washington Street Bridge over railroad (tracks between Pine Street and Belmont Street) or eighteen (18) months (all other signs within area) from the effective date of this section and in the manner provided by the provisions of section 408.17-2 above. Additionally, any outdoor advertising sign which legally existed as of October 1, 2003 and would have required removal and replacement under this section but was removed and/or destroyed prior to the enactment of this section shall be entitled to a replacement permit if the application and fee for the same are timely submitted on or before June 1, 2006. Any nonconforming outdoor advertising sign subject to the provisions of this section which has not been relocated pursuant to the requirements set forth after the expiration of eighteen (18) months is an illegal sign. All other nonconforming outdoor advertising signs may continue to exist in accordance with the provisions of this section and/or, at the owner's election may be replaced in accordance with the provisions of subsection 403.2. Any such sign located along the national highway system that is required to be removed pursuant to this ordinance, other than those within the prohibited area described in section 408.17-4.1, and is not replaced is

subject to the compensation requirement set forth in Miss. Code Ann. 1972, § 49-23-17(2).

403.17.5.6 Correction of nonconforming sign attributes. Any nonconforming outdoor advertising sign located in a permitted area may be altered, modified and/or reconstructed to alleviate its nonconformity at any time after February 1, 2006, upon the application and issuance of an outdoor advertising construction permit pursuant to subsections 408.12 and 408.13. Upon demonstration that the nonconforming condition has been corrected and brought in to full compliance with the requirements of this section, the sign shall be deemed to be a “conforming outdoor advertising sign” and shall be entitled to a permit reflecting the same without payment of any additional permit fee.

403.17.5.7 Outdoor advertising replacement permit. Outdoor advertising replacements permits shall be issued in accordance with the following:

Prior to the dismantling and removal of any outdoor advertising sign which was existing and in place as of October 1, 2003, for the purpose of compliance with the provisions of section

408.17-5.5 and/or for the purpose of obtaining an outdoor advertising sign construction permit, the owner of the outdoor advertising sign to be dismantled and removed shall complete an application for an outdoor advertising replacement permit and pay the inspection fee. The application shall require a complete description of the outdoor advertising sign to be removed, including the exact location of such sign, number of faces and the total area of such sign. The zoning administrator or his or her authorized agent, shall inspect the location identified in the application during the sixth (6th) month after the submission of the same or at such earlier date as the permit applicant may request. If the outdoor advertising sign has not been dismantled and removed at the time of inspection, the application will be denied and a new application must be completed and a new inspection fee tendered. However, any time prior to the sixth (6th) month after application, the permit applicant may petition the zoning administrator for an extension upon showing “good cause” as why dismantling and removal cannot be completed within six (6) months of application for the permit. “Good cause” includes, but is not limited to: failure of a third-party contractor to perform as agreed; inclement weather and/or ground conditions over a period of time that precludes safe and property completion of the project: inability to obtain and/or secure sufficient equipment, material and/or labor to complete the project and/or any other event or combination of events beyond the control of the permit holder. If, upon inspection, the relevant outdoor advertising sign has been dismantled and removed in full compliance with this ordinance, the zoning administrator or his or her authorized agents will issue an outdoor advertising replacement permit setting forth the number of faces and total area of the outdoor advertising sign removed. If the dismantling and removal of the relevant outdoor advertising sign is substantially complete but not in full compliance with this ordinance and the permit application has not received an extension in accordance with the procedure set forth above, the zoning administrator or his or her authorized agent, shall give the applicant notice of the deficiencies and shall specify a reasonable period of time from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected within such

specified time period the application shall be denied. However, if the dismantling and removal is then complete, the zoning administrator or his or her authorized agent shall issue an outdoor advertising replacement permit setting forth the number of faces and total area of the outdoor advertising sign removed.

403.17.5.8 Outdoor advertising sign permits. Outdoor advertising sign permits shall be issued in accordance with the following:

1. Conforming outdoor advertising sign permit. The owner of an outdoor advertising sign existing on the effective date of this ordinance which complies in all respects to the provisions of this section and any other applicable law may apply for a conforming outdoor advertising sign permit. Upon timely submission of a completed application and the fee required by subsection 408.22, the zoning administrator shall issue a conforming outdoor advertising sign permit. Failure to obtain a conforming outdoor advertising sign permit for any conforming outdoor advertising sign will result in that sign being deemed an illegal sign subject to the removal provisions set forth in subsections 408.19, 408.20, and/or 408.21 and will result in a corresponding decrease in the number of sign faces and total area allowed in the City of Vicksburg.
2. Nonconforming outdoor advertising sign permit. Anytime prior to June 1, 2006, the owner of an outdoor advertising sign existing on the effective date of this ordinance which does comply in all respects to the provisions of this section and any other applicable law but did not comply with applicable law when erected may apply for a nonconforming outdoor advertising sign permit unless such sign is in the prohibited area as described in section 408.17-4.1. Upon timely submission of a completed application and the fee, the zoning administrator shall issue a nonconforming outdoor advertising sign permit. Failure to obtain a nonconforming outdoor advertising sign permit for any nonconforming outdoor advertising sign will result in that sign being deemed an illegal sign subject to the removal provisions set forth in subsections 408.19, 408.20, and/or 408.21 and will result in a corresponding decrease in the number of sign faces and total area allowed in the City of Vicksburg.

403.17.6 Assignment of outdoor advertising sign permits. Any current and valid permit regarding the construction, modification, replacement and/or maintaining of an outdoor advertising sign is freely assignable, subject only to filing such application as the zoning administrator or his or her authorized agents, may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

403.17.7 Conflict with other provisions. It is intended that this section govern the regulation and control of outdoor advertising signs within the City of Vicksburg. To the extent any other provision included in Ordinance No. 71-8 as amended conflict with the provisions of this section, the provisions of this section 408.17 shall control with regard to outdoor advertising signs.

403.18 Sign Variances. The procedure governing variances from the requirements of these signs and outdoor advertising regulations shall be the same as for any other section of the zoning regulations, as set forth in section 503.3.

403.19 Violations. Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance, by the zoning ordinance, and by state law:

1. to install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;
2. To install, create, erect, or maintain any sign requiring a permit without such a permit;
3. To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed; or
4. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.

Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

403.20 Enforcement and Remedies. Any violation or attempted violation of this ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this ordinance shall be considered a violation of the zoning ordinance of the City of Vicksburg. The remedies of the City of Vicksburg shall include the following:

1. Issuing a stop work order for any and all work on any signs on the same lot;
2. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;
3. Imposing any penalties that can be imposed directly by the City of Vicksburg under the zoning ordinance;
4. Imposing a penalty of one hundred (100) percent of the usual permit fee in addition to the required permit fee;
5. Seeking in court the imposition of any penalties that can be imposed by such court under the zoning ordinance; and
6. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the City of Vicksburg under the

applicable provisions of the zoning ordinance and building code for such circumstances.

403.21 Administrative Procedures, Hearings, Relief. In addition to the provisions of section 403.19 Violations and section 403.20 Enforcement and Remedies, the provisions of Article VI of these zoning regulations shall apply.

403.22 Fee Schedule. The fees for sign permits effective from time to time shall be adopted by resolution of the Board of Mayor and Aldermen of the City of Vicksburg and published in its official minutes.

403.23 Severability. If, for any reason, one (1) or more sections, headings, clauses, tables, or other parts of these sign and outdoor advertising regulations are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of these regulations, but shall be confined to the specific sections, headings, clauses, tables, or other parts of these regulations held invalid, and the invalidity of any sections, heading, clause, table, or other part in any one (1) or more instances shall not affect or prejudice in any way the validity of this ordinance in any other instance.

TABLE 1 – FREESTANDING SIGNS

District 1 – N. Washington Street District

Zoning District	Maximum Area (sq. ft.)	Maximum Height (ft.)	Maximum Per Parcel/Lot	Billboards Allowed
R-1	6	3	3	NO
R-3	6	3	1	NO
ER	6	3	1	NO
MXRC	32	15	1	NO
C-4	200	40	1	YES
I-2	75	30	1	NO
AG	32	15	1	NO

District 2 – Haining Road District

Zoning District	Maximum Area (sq. ft.)	Maximum Height (ft.)	Maximum Per Parcel/Lot	Billboards Allowed
I-2	150	30	1	YES

District 3 – Martin Luther King District

Zoning District	Maximum Area (sq. ft.)	Maximum Height (ft.)	Maximum Per Parcel/Lot	Billboards Allowed
R-1	6	3	1	NO
R-2	6	3	1	NO
ER	6	3	1	NO
MXRC	32	15	1	NO

District 4 – Downtown Historic Vicksburg District

Zoning District	Maximum Area (sq. ft.)	Maximum Height (ft.)	Maximum Per Parcel/Lot	Billboards Allowed
DHRC	See Section 403.3	See Section 403.3	See Section 403.3	NO
C-3	See Section 403.3	See Section 403.3	See Section 403.3	NO
I-2	See Section 403.3	See Section 403.3	See Section 403.3	NO

District 5 – West Clay Street District

Zoning District	Maximum Area (sq. ft.)	Maximum Height (ft.)	Maximum Per Parcel/Lot	Billboards Allowed
R-1	6	3	1	NO
R-2	6	3	1	NO
R-3	6	3	1	NO
MXR	32	15	1	NO
C-1	75	30	1	NO
C-2	75	30	1	NO
C-4	75	30	1	NO

District 6 – East Clay Street District

Zoning District	Maximum Area (sq. ft.)	Maximum Height (ft.)	Maximum Per Parcel/Lot	Billboards Allowed
ER	6	3	1	NO
R-1	6	3	1	NO
R-2	6	3	1	NO
R-3	6	3	1	NO
MXR	32	15	1	NO
C-4	260	65	1	YES
I-2	75	30	1	YES

District 7 – South Washington Street District

Zoning District	Maximum Area (sq. ft.)	Maximum Height (ft.)	Maximum Per Parcel/Lot	Billboards Allowed
R-2	6	3	1	NO
MXRC	32	15	1	See Section 403.17-4.1
C-2	75	30	1	NO
C-3	75	30	1	NO
C-4	260	65	1	YES
I-2	75	30	1	NO

District 8 – Mid-Town District

Zoning District	Maximum Area (sq. ft.)	Maximum Height (ft.)	Maximum Per Parcel/Lot	Billboards Allowed
R-1	6	3	1	NO
R-2	6	3	1	NO
R-3	6	3	1	NO
MXRC	32	15	1	NO
C-1	75	15	1	NO
C-2	75	15	1	NO

District 9 – I-20

Zoning District	Maximum Area (sq. ft.)	Maximum Height (ft.)	Maximum Per Parcel/Lot	Billboards Allowed
ER	6	3	1	NO
R-1	6	3	1	NO
R-2	6	3	1	NO
R-3	6	3	1	NO
C-2	75	15	1	NO
C-4	260	65	1	YES

District 10 – Porter’s Chapel/Marion Park

Zoning District	Maximum Area (sq. ft.)	Maximum Height (ft.)	Maximum Per Parcel/Lot	Billboards Allowed
ER	6	3	1	NO
R-1	6	3	1	NO
R-2	6	3	1	NO
R-3	6	3	1	NO
MXR	32	15	1	NO
C-2	75	15	1	NO
C-4	260	65	1	NO

District 11 – Warrenton Road

Zoning District	Maximum Area (sq. ft.)	Maximum Height (ft.)	Maximum Per Parcel/Lot	Billboards Allowed
ER				
R-1	6	3	1	NO
MXR	32	15	1	NO
C-1	75	30	1	NO
C-2	75	30	1	NO
C-3	75	15	1	NO
C-4	260	65	1	NO
AG	32	15	1	NO

District 12 – 61 South

Zoning District	Maximum Area (sq. ft.)	Maximum Height (ft.)	Maximum Per Parcel/Lot	Billboards Allowed
R-1	6	3	1	NO
R-2	6	3	1	NO
R-3	6	3	1	NO
ER	6	3	1	NO
C-2	32	15	1	NO
C-4	260	65	1	NO
MXR	32	15	1	NO
I-1	200	40	1	YES
AG	32	15	1	NO

TABLE 2 – BUILDING SIGNS (Canopy, Marquee, Projecting, Suspended, Wall, Window) IN ALL DISTRICTS

Zoning District	Maximum Sign Area (sq. ft.)	Maximum Wall Area (percentage)
R-1, R-2, R-3, ER, MHR	4	N/A
MXR, C-4, I, C-2	N/A	15%
AG	32	N/A

SECTION 404. HOME OCCUPATIONS:

Home occupations, as defined in Section 201: DEFINITIONS, are classified as either minor or major home occupations.

404.1 Permit Procedures. Home occupations complying with the criteria established in Section 404.3 shall be considered minor in character and permitted by administrative permit of the zoning administrator. Major home occupations, complying with the criteria established in Section 404.4 shall be permitted only after the receipt of a special exception from the Planning and Zoning Commission, as outlined in Section 606 of this ordinance.

404.2 General Requirements for Home Occupations. The following regulations shall apply to all home occupations:

- A. No more than twenty (20) percent of the total gross floor area of residential buildings plus other buildings housing the home occupation, nor more than five hundred (500) square feet of total gross floor area (whichever is less), may be used for home occupation purposes.
- B. The use shall be conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof and no others, with the following exceptions:

- (i) In Class A home-based child care/family child care home, outside play shall be permitted to the extent required by state day care regulations. The licensee and day care operator shall be the same individual who shall be the inhabitant of the dwelling.
 - (ii) Professional services may be rendered outdoors to the extent required, in the opinion of the service provider. For example, clergy may counsel individuals outdoors, artists may work outdoors, etc.
- C. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes. The appearance of the structure shall not be altered by the home occupation in such a way as to be out of harmony with the occupation of the dwelling as a residence and/or the property as residential. The home occupation shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, or vibrations that carry beyond the premises.
- D. No dwelling unit may be used for more than one (1) home occupation.
- E. There shall be no advertising, display, or other indications of a home occupation on the exterior of the premises.
- F. No parking in relation to a home occupation shall take place on a public street. All such parking of vehicles in connection with the home occupation must be on-premises parking located on the premises from which the home occupation is conducted. All parking shall be on designated hard surface areas such as concrete, asphalt, slag or gravel or such similar surface.
- G. No storage or display of goods shall be visible from outside the structures.
- H. Storage of materials, parts, vehicle tools, or other equipment and all other activities associated with a home occupation except those activities set forth in subsection (404.2)(B)(i) and (ii) of this ordinance, shall occur within an enclosed structure. No highly explosive, corrosive or combustible material may be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, cause fluctuations in line voltages, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare detectable to the normal senses at or beyond the property line. No noise shall be created by the home occupation that is detectable to normal sensory perception off the premises of the home occupation.
- I. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.
- J. Parties for the purpose of selling merchandise or taking orders shall not be held more than once each calendar quarter.
- K. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall not be allowed more than twice each year, and each sale shall not last more than ten (10) consecutive hours.
- L. No deliveries from commercial suppliers may be made to the dwelling. All supplies must be picked up offsite by the individual conducting the home occupation. Excepted from this prohibition is the U.S. Postal Service, UPS or other similar size commercial vehicles that regularly make deliveries to residential neighborhoods. Deliveries shall not restrict or interfere with traffic circulation.

404.3 Minor Home Occupations. Uses classified as minor home occupations shall be permitted in all zoning districts which allow residential land uses. Permitted minor occupations include the following:

- A. Artists and sculptors;
- B. Authors and composers;
- C. Home crafts for sale offsite or onsite provided that the items sold are not repetitively produced with the aid of such assistance as molds, forms, machine printing or stamping, jigs, etc.
- D. Office facility of a minister, rabbi, or priest, or other cleric;
- E. Office facility of a salesman, sales representative, or manufacturer's representative provided that no transactions are made in person on the premises;
- F. Professional office facilities including the office of an attorney, engineer, surveyor, realtor, accountant, bookkeeper, financial planner, urban planner or such other professional as determined by the building official.
- G. Individual tutoring (limited to a maximum of three (3) students at any one (1) time);
- H. Preserving and home cooking for sale offsite;
- I. Musical instrument and dance instruction provided that no instrument may be amplified (limited to a maximum of three (3) students at any one (1) time);
- J. Telephone sales and solicitation work;
- K. Other similar uses by administrative permit; provided it is hereby determined that the following are not similar uses and therefore are not permitted:
 - 1. All uses prohibited as major home occupations;
 - 2. Minor or major auto repair;
 - 3. Carpentry work, furniture repair or refinishing;
 - 4. Welding or machine shop;
 - 5. Dental office;
 - 6. Medical offices, chiropractor;
 - 7. Painting of vehicles, trailers or boats;
 - 8. Photography developing, photography studio;
 - 9. Private school with organized classes;
 - 10. Television, radio, electronic, appliance repair;
 - 11. Upholstering;
 - 12. Beauty/barber shop; single-or multi-chair beauty or barber shop;
 - 13. Massage parlor, fortune tellers;
 - 14. Small engine repair.

404.4 Major Home Occupations. Uses classified as major home occupations shall be considered as special exception uses administered according to Section 503 of this ordinance in all zoning districts except R-1 Single-Family, R-2 Single-Family, and R-3 Two-Family, where such uses shall be prohibited. To this extent, major home occupations that may be permitted as special exception uses include the following:

- A. Class A home-based child care/family child care home;

- B. Musical instruments and dance instruction provided that no instrument may be amplified (limited to a maximum of five (5) students at any one (1) time);
- C. Upholstering, minor furniture repair and minor furniture refinishing;
- D. Dressmaking, seamstress
- E. Woodworking;
- F. Other similar uses by administrative permit; provided it is hereby determined that the following are not similar uses and therefore are not permitted:
 - 1. Minor or major auto repair, painting of vehicles, trailers, or boats;
 - 2. Funeral chapel or home undertaking establishment;
 - 3. Gift shops, antique shops, resale shops;
 - 4. Medical or dental clinic;
 - 5. Rental businesses;
 - 6. Photography studios, photography developing;
 - 7. Massage parlors, fortune tellers, etc.;
 - 8. Welding or machine shops;
 - 9. Animal hospitals, commercial kennels;
 - 10. Restaurant (all classes);
 - 11. Boarding house;
 - 12. Beauty/barber shop; single or multiple chair beauty or barber shop;
 - 13. Any retail, wholesaling, or distribution not specifically enumerated as a permitted use or special exception use, or accessory to such a use.

404.5 Applications, Permits, and Inspections.

- A. Applications. Individuals wishing to conduct a home occupation in a dwelling that they own may apply to the zoning administrator for a home occupation permit on forms provided by the zoning administrator. A one-time fee of twenty-five dollars (\$25.00) shall be paid to the city with the application. Occupants of a dwelling who wish to conduct a home occupation in that dwelling but do not own the dwelling must submit a letter from the owner granting permission for the home occupation along with the application, or the application will not be accepted.
- B. Classification and Approval. The zoning administrator will classify home occupation permit applications. Minor home occupation applications will be approved administratively by the zoning administrator or his designee upon presentation of representations and/or verifications provided by the applicant, provided that the zoning administrator or his designee finds that the conditions established in this ordinance are met subsection (503.1).
- C. Inspections. The zoning administrator or his designee shall have the right, at any reasonable time, and upon reasonable request, to enter and inspect the premises for which a home occupation permit is requested and, upon approval and issuance of such permit, in order to ensure compliance with the terms of said permit, or for other lawful reasons.
- D. Privilege License. Applicants whose request for home occupation permits are approved shall pay an annual fee as determined by the Mississippi Local Privilege Tax Laws, Mississippi Code of 1972, as amended, to the city clerk on the

anniversary date of the issuance of a home occupation permit each year for the privilege of conducting the home occupation. The city shall refuse to renew a home occupation permit privilege license upon the statement of the zoning administrator that representations made on the home occupation permit application are, or have become, an inaccurate description of the business, or that other conditions in this ordinance are not being met.

- E. Transferability. Home occupation permits are not transferable between individuals, nor are they valid for a location other than the location noted on the permit. An individual who moved may not resume their home occupation in the new location without reapplying for a home occupation permit. Failure to obtain a privilege license shall constitute grounds upon which the building official may revoke a home occupation permit.
- F. Continuance of Nonconforming Home Occupations.
 1. It is recognized that at the time of adoption of this ordinance there may exist lawful uses of buildings, structures, signs or land in connection with the operation of a home occupation that would not conform to the terms and conditions of this ordinance.
 2. It is the intent of this ordinance to allow those home occupations to continue as a nonconforming use, provided that the individual who operates the home occupation shall have four (4) months from the date of adoption of this ordinance to apply for a home occupation permit in order to continue to operate as a nonconforming use. Individuals who are found to be engaging in home occupations without the necessary permit after said four (4) months shall have to conform to the terms and conditions of this ordinance or be in violation of the ordinance. Failure to obtain a permit within said four (4) months terminates the right to continue as a nonconforming use.
 3. It is also the intent of this ordinance that home occupations that are in existence at the time of adoption of this ordinance that are nonconforming shall not be allowed to increase in the nonconforming aspects of that use in any manner as provided for by the terms of Section 401 of this ordinance.
- G. Complaints. Written complaints regarding home occupations shall be investigated by the zoning administrator who will then attempt to resolve such complaints by telephone or by informal meeting with the alleged violator. If, in the determination of the zoning administrator, a violation of the ordinance does exist, the zoning administrator shall so notify the person in writing and set a hearing date for the person to appear before him. If, after a period of fourteen (14) calendar days from the date of such hearing, the zoning administrator finds that such violation still exists, the zoning administrator shall issue an order immediately revoking the permit for home occupation.
- H. Appeals. Appeals from the decision of the zoning administrator may be taken to the Planning and Zoning Commission in the manner set forth in subsection 605.1.14 of this ordinance.

SECTION 405. MANUFACTURED HOMES

405.1 Intent and Purpose. The purpose of this district is to provide for properly planned manufactured homes and manufactured home subdivisions on medium lots. It is the intent that these zones may be located only in such areas as to not adversely affect the established residential subdivisions and residential densities in the City. Such locations, however, shall have necessary public services, a healthful living environment and normal amenities associated with residential zones. It also shall comply with all the ordinances and regulations of the City of Vicksburg. Any person desiring to establish a manufactured home subdivision would have to locate the development in a medium density residential district according to the Land Use Plan.

405.2 Location Requirements. Manufactured homes are not permitted in any zone unless expressly referred to as a permitted use or use by special exception by the use of the words “manufactured home” as provided in this section.

1. A manufactured home may be allowed by administrative permit for temporary use on the same lot in connection with the reconstruction of a dwelling unit damaged by fire or natural disaster, not to exceed 12 months.
2. A manufactured home may be allowed by special exception for temporary office space for 12 months.
3. A manufactured home may be allowed, by administrative permit, for a public/quasi public use such as office or classroom for twelve (12) months.

The use of a manufactured home as identified above in number 1-3 may be extended up to and not to exceed 12 additional months upon written request to the Zoning Administrator.

405.3 General Requirements. All manufactured homes shall comply with the Federal Manufactured Homes Construction and Safety Standards administered by the U.S. Department of Housing and Urban Development (HUD). Manufactured homes shall be installed in accordance with the manufacturer’s installation manual, the State of Mississippi minimum installation regulation as regulated by the Mississippi Department of Insurance and the laws and ordinances of the City of Vicksburg. The following requirements apply to all manufactured homes located in the City of Vicksburg except for those manufactured homes that are defined as non-conforming pursuant to Section 401.1.1 or temporary pursuant to Section 405.2:

1. Subject to the provisions of the zoning district within which the manufactured home is located, i.e., lot size, setbacks, off-street parking, etc.
2. The appearance of the manufactured home should maintain the integrity of the street scape by way of roof pitch, building materials, building orientation.

3. Compatibility requirements of all manufactured homes:
 - A. **Roof Pitch:** The roof shall have a pitch of not less than four (4) inch vertical rise for each 12 inches of horizontal run for multi-sectional manufactured home and three (3) inch vertical rise for each 12 inches of horizontal run for single sectional manufactured homes

Exception: Where the zoning districts that are expressly referred to as a permitted use for manufactured housing in the North Washington Street Neighborhood and the 61 South Neighborhood, a multi-sectional and single sectional manufactured home shall have a roof pitch of not less than three (3) inch vertical rise for each 12 inches of horizontal run.
 - B. **Roof Materials:** asphalt shingles, metal panels, (residential panels or standing seam) or tile.
 - C. **Siding Materials:** Exterior siding shall be made of nonreflective or nonmetallic materials; acceptable siding materials include wood, stucco, brick, stone or other masonry materials or any combination of these materials.
 - D. **Skirting and Foundation Wall Materials:** Materials for a foundation wall or skirting shall be made of brick, stone, or concrete board, high density EPS panels.
 - E. **Driveway Materials:** All manufactured homes shall have a driveway made of concrete or asphalt.
 - F. **Minimum Width:** Minimum width shall not be less than 14 feet wide.
 - G. **Transportation devices (hitch, axles, and wheels)** shall be removed from the manufactured home once the home is anchored to the ground or permanent foundation.

405.4 Continuance:

1. A mobile home shall not be replaced with another mobile home.
2. In the case of a manufactured home or mobile home destroyed by fire or natural disaster, such home may be replaced by another manufactured home provided that the location of the new manufactured home on the lot does not increase a nonconformity with six (6) months.

SECTION 406. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

406.1 Purpose of This District. The purposes for establishing Planned Unit Development (“PUD”) districts are:

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.

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. (Note: However, minimum yard requirements are the same as for conventional districts.)

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 streets rights-of-way, utility easements, etc., in a conventional subdivision) and by reducing the length of streets and utility extensions through concentration or clustering of housing.

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.

Historically, the City of Vicksburg has developed according to traditional uniform regulations within each zoning district that may on occasion prevent or discourage innovative site design and development that will respond to market demands. The use of improved techniques for land development is often difficult under traditional zoning regulations designed to control single buildings on individual lots especially considering the city’s topographic character. Proper private development requires a flexible approach to meet the needs of the developer, protect the natural and built environment, and enhance the public interest.

The purpose of the planned unit development district is to provide for planned developments that provide a full range of either residential, commercial or industrial uses, or a mixture of these uses that are designed to serve the city. For purposes of this title, a planned unit development shall be a tract of land at least three (3) acres in area, under single, corporation, firm, partnership or association ownership, planned and developed as an integrated unit, in a single development operation or a programmed series of development operations and according to an approved general site plan.

The city may, upon proper application, approve a planned unit development for a site of at least three (3) acres to facilitate the use of flexible techniques of land development and site design, by providing relief from zone requirements designed for conventional developments in order to obtain one (1) or more of the following objectives:

1. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
2. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
3. Functional and beneficial uses of open space areas.
4. Preservation of natural features of a development site.
5. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
6. Rational and economic development in relation to public services.
7. Efficient and effective traffic circulation, both within and adjacent to the development site.

406.2 Relationship Between Planned Unit Developments and Zoning Districts. Planned unit development districts shall be permitted in all districts except the Vicksburg Historic District.

406.3 Minimum Requirements for PUDS. Minimum requirements for planned unit developments are as follows:

406.3.1 Land Uses Permitted: The purpose of the planned unit development district is to provide for planned developments that provide a full range of either residential, commercial or industrial uses, or a mixture of these uses that are designed to serve the city.

406.3.2 Conditional Uses and Structures (Special Exceptions) as Provided in Section:

1. Public or quasi-public facilities or utilities may be considered for location a PUD district in compliance with Section 410.4.1 of this ordinance.
2. Child care facilities
3. Railroads and railroad spur tracks
4. 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 410.4.1 of this Code. Lakes deeded to a homeowner's association or dedicated (public) to the City of Vicksburg shall comply with Vicksburg Subdivision Regulations.

406.3.3 Dimensional Requirements: The minimum size of any PUD shall be a planned unit development shall be a tract of land at least three (3) acres in area, under single, corporation, firm, partnership or association ownership, planned and developed as an integrated unit, in a single development operation or a programmed series of development operations and according to an approved general site plan.

406.3.4 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 to be included in the PUD.

EXAMPLE: If a subdivider (developer) 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 12,000 square feet (minimum lot size in R-1 districts), resulting in a quotient of 3.610ts or dwelling units; 30 acres multiplied by 3.6 = 108 lots or single-family detached dwelling units. (Note: This method for calculating residential development density cannot be used for conventional subdivisions, since conventional subdivisions require more land for street rights-of-way, utility easements, etc., than do PUDs in which development is concentrated.)

406.3.5 Swimming Pools: Swimming Pools must comply with the adopted Building Code and state regulations.

406.3.6 Requirements For Off-Street Parking, Loading and Access Control: See Section Regarding parking, loading and access control requirements.

406.4 Planned Unit Developments Shall be Superimposed Districts: A Planned Unit Development shall be a superimposed designation on an existing density for residential, commercial and industrial districts thereby providing a broader latitude of design to achieve the purposes stated under Section 1.275.01. As a superimposed designation, Planned Unit Developments shall be subject to the overall density requirements of the district over which they are superimposed.

406.5 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 Office of Community Development. All sketch plats for proposed PUD shall be reviewed by the Site Plan & Preliminary Plat Review Committee.

406.6 Rezoning Required For Development of Portion of PUD for Townhouses, Patio Homes, Multi-Family Residential or Commercial Uses: If a person desires to reserve a portion of a proposed Planned Unit Development for townhouses, patio homes, or multi-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 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 sub-divider (developer) 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.

406.7 Dimensional Requirements for Townhouses, Patio Homes, Multi-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.

406.8 Required Landscaping: See the Landscaping Chapter of this Code regarding the provision of landscaping requirements.

406.9 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 or environmental amenity for collective enjoyment by 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.

406.10.1 Minimum Percentage of Land Reserved as Common Open Space: In any PUD the amount of land not used by residential buildings, accessory structures and yards, but required by the residential zoning of the site shall be reserved as common open space. Common open space shall comprise at least twenty-five percent (25%) of the gross area (total acreage) of the PUD as shown on the required development plan. Public or private streets, driveways, parking lots (for example, a parking lot for a PUD recreational building), or utility easements shall not be considered in meeting the open space requirements of this Section.

406.10.2 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.).

406.10.3 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed Planned Unit Development, the Planning and Zoning Commission 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 Zoning Commission 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.

406.10.4 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 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 (nature trails) trails, tennis courts, include or bicycle recreational buildings and swimming pools or similar facilities.

406.11 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 3 acres, 20 percent must be reserved for open space, or 0.6 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 8 acres for the entire subdivision, which may include the 1.0 acres reserved for the first part.

406.12 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). 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.

406.12.1 Areas Not Dedicated to the City of Vicksburg: Authority granted by the City of Vicksburg for the development of a PUD shall not be construed as nor constitute an obligation on the part of Canton 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 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 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.

406.12.2 Maintenance of Common Open Space: As a part of the plans proposed for the PUD, the developer shall submit a set of covenants running with the land providing for a Maintenance Organization to maintain the common open space. The provisions establishing the Maintenance Organization shall include, but not be limited to, the following:

1. The Maintenance Organization must be set up before the homes are sold. Membership must be mandatory for each home buyer and any successive buyer. The open space restrictions must be permanent, not just for a period of years. The organization must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

2. No PUD shall be approved until the foregoing legal instrument setting forth a plan for permanent care and maintenance of common open space areas and recreational facilities is approved by the City Attorney as to legal form and effect.

406.13 Coordination with Subdivision Regulations and other Development Ordinances: A detailed development plan of the proposed PUD shall be submitted to the Office of Community Development for site plan review in accordance with Section 612 of this ordinance. Subdivision review shall be carried by the Site Plan & Preliminary Plat Review Committee to ensure compliance of all city development ordinances including but not limited to:

1. Subdivision Regulations;
2. Stormwater Management;
3. Zoning Ordinance;
4. Building Codes/Fire Codes;
5. Erosion Control Ordinance;
6. Floodplain Damage Prevention Ordinance;
7. Landscape Ordinance;
8. Architectural Control Ordinance;

The development plans submitted under this section shall be submitted in a form that will satisfy the requirements of the Subdivision Ordinance for preliminary and final plats. There shall be no deviation from the approved development plan until such deviation has been approved by the Site Plan & Preliminary Plat Review Committee and the Board of Mayor and Aldermen. The Board of Mayor and Aldermen have the authority to require reasonable changes to the development plan as a prerequisite to approval.

Sidewalks: If developer installs sidewalks and street plantings, the space between the sidewalk and right-of-way may be counted as part of the required greenspace.

SECTION 407. DOCKSIDE GAMING ESTABLISHMENTS

407.1 Intent. It is the intent of this section to define the terms and conditions under which dockside gaming and ancillary uses may be permitted as a special exception. No building or occupancy permit shall be issued for this use unless deemed appropriate by the Planning and Zoning Commission.

407.2 Site Approval. Dockside gaming may be permitted as a special exception in nonresidential zones abutting the Mississippi River and Yazoo River Diversionary Canal subject to conformance to the criteria herein.

407.2.1 Ancillary uses. A limited number of on-site ancillary uses are considered appropriate with dockside gaming regardless of the underlying zone of the subject property. These uses are:

1. Restaurants and food service but excluding drive-in restaurants.

2. Specialty food shops (e.g. ice cream parlors, bakeries, etc.)
3. Taverns, bars and lounges.
4. Indoor recreational uses and places of amusement
5. Motels and hotels
6. Retail sale of merchandise
7. Public or private parking garages or lots to the extent allowed by this and other applicable city ordinances and consistent with design guidelines approved by the city.
8. Theaters or entertainment pavilions.
9. Other uses allowed in the base zone are permissible when separated from the dockside gaming establishment by a mapped dedicated city street unless otherwise prohibited or restricted by ordinance.

407.3 Prerequisites.

407.3.1 Mississippi Gaming Commission License. Before any building permit applications for construction of dockside gaming establishments or ancillary structures can be accepted by the building official of the City of Vicksburg for processing, the applicant shall present proof that it has either submitted a completed application for the intention of obtaining a license or a bona fide copy of a valid license from the Mississippi Gaming Commission. If applicant has not received a final valid license from the Mississippi Gaming Commission before the expiration of two (2) years following grant of the special exception, that special exception permit is automatically revoked.

407.3.2 Site approval. See Section 612.

407.3.2 Master plan. Prior to granting a permit for a dockside gaming establishment and ancillary uses, the Planning and Zoning Commission shall require applicants to provide a master plan, which will assist in determining what the developers propose, where they intend to construct same, and when it will be accomplished. The Site Plan and Preliminary Plat Review Committee will be approving the information that is required in the master plan.

407.4 Application Fees. In order to insure expediency and evenhandedness of review consistent with the objectives of the city and applicants, an applicant shall be required to pay an application fee of five thousand dollars (\$5,000.00) at the time of submission to the Planning and Zoning Commission of an application for a dockside gaming establishment as a special exception. Said fee shall be used by the city either to conduct an agency review of the stated infrastructure and environmental impacts of the project and/or to hire specialists to conduct said review. Said review shall be conducted expeditiously.

407.5 Conflict with Other Ordinances. In the event the provisions of this ordinance on the conciliations upon which the special exception is granted conflicts with the requirements of any other city ordinance, the provisions herein shall supersede the conflicting provisions of other ordinances.

407.6 Effective Date. Because the adoption of this ordinance is necessary for the immediate and temporary preservation of the public peace, health, and safety and because the construction of dockside gaming establishments and the beginning of lawful gaming at the earliest possible date is important to the economy and tax base of the city and the welfare of its citizens, this ordinance shall take effect and be in force from and after its passage.

SECTION 408. ADULT ENTERTAINMENT BUSINESSES

ZONING PROVISIONS

408.1. Statement of Purpose.

The mayor and aldermen of the City of Vicksburg (hereinafter “board” specifically makes all prior paragraphs beginning with “Whereas” its finding of facts.

It is hereby declared that in order to protect the residential neighborhoods, the commercial districts, the Historic District and other areas of the community from the secondary, adverse effects of adult entertainment businesses, it is necessary to establish zoning restrictions for adult entertainment businesses as delineated in Section 1002 hereof.

408.2. Location Restrictions of the Adult Entertainment Businesses.

An adult entertainment business is required to locate as follows:

- (A) An adult entertainment business may not be operated within one thousand (1,000) feet of:
 - 1. A church, synagogue or regular place of religious worship;
 - 2. A public or private elementary or secondary school;
 - 3. A boundary of any residential zoned district or any residential structure which is occupied as a residence within or without a zoned area;
 - 4. A public park;
 - 5. A licensed daycare center;
 - 6. A library;
 - 7. Another adult entertainment business.
- (B) An adult entertainment business may not be operated in the same building, structure or portion thereof containing another adult entertainment business.

- (C) For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment business is located to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot, library or licensed day care center.
- (D) For purposes of subsection (C) of this section, the distance between any two (2) adult entertainment businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

408.3. Definitions.

Section 201 Definitions.

408.4. Application.

All other provisions and requirements of the Vicksburg Zoning Ordinance shall apply to the adult entertainment businesses. All conditions and provisions of the base zone including, but not limited to, setback, yard requirements, area, etc. shall apply to the adult entertainment businesses.

408.5. Regulation of Obscenity Subject to State Law.

Notwithstanding any definition or use permitted herein, this ordinance does not permit the distribution of obscene materials or the performance of obscene acts as defined in Mississippi Code, Section 97-29-103, all such prohibited materials and prohibited acts are expressly prohibited hereby.

408.6. Public Nudity.

Public nudity is expressly forbidden by the ordinances of the City of Vicksburg and nothing contained herein shall be deemed to permit or allow public nudity.

408.7. Signs and Advertising.

- (A) Adult entertainment businesses shall not publicly display any signs or advertisements which contain sexually oriented materials.
- (B) For purposes of this subsection; any material is sexually oriented if the material consists of representations or descriptions of actual or simulated masturbation, sodomy, excretory functions, exhibitions of the genitals or female breasts, sadomasochistic abuse (for the purpose of sexual stimulation or gratification), homosexuality, lesbianism, bestiality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast or

breasts of a female for the purpose of sexual stimulation, gratification or perversion.

- (C) For purposes of this subsection, “public display” means if the sign, advertisement or other material is on or in a billboard, viewing screen, theater stage or marquee, newsstand, display rack, window showcase, display case or similar place so that it is easily visible from a public street, public road or sidewalk or from areas of public businesses in which minors are normally business invitees.

LICENSING PROVISIONS*

408.8. Adult Entertainment Business License.

- (A) It is unlawful for any person to maintain or operate an adult entertainment business without first having been issued an Adult Entertainment Business License by the City of Vicksburg pursuant to this ordinance. In the event a business owner or person in charge of the business is convicted of operating an adult entertainment business without a license, the punishment shall be a fine not exceeding one thousand (\$1,000.00) dollars or imprisonment for a term not exceeding ninety (90) days, and the cost of the prosecution, or by both such fine and imprisonment in the discretion of the municipal court.
- (B) Adult entertainment business licenses, as referred to in this code, shall be licenses limited to the following classifications:
 - 1. Adult book store;
 - 2. Adult video store or adult theater including arcade or booth;
 - 3. Adult dancing establishment including cabaret, bar, dance hall.
- (C) An adult entertainment business licenses for a particular adult entertainment business shall be limited to one (1) classification of license.

408.9. Administration.

The ultimate responsibility for the administration of this provision is vested in the city zoning administrator. Several departments have been delegated responsibility pursuant to the provisions outlined in this ordinance.

- (A) The city zoning administrator, within forty-five (45) days of receiving the application, shall forward it to the Site Plan and Preliminary Plat Review Committee to issue, grant, deny, revoke, renew, suspend and/or cancel all adult entertainment businesses licenses for proposed or existing adult entertainment

businesses in the City of Vicksburg. This decision will be based on reports from the departments identified below that requirements of this ordinance have been met or violated. All departments shall present their reports to the city zoning administrator within forty (40) days of the date the application was filed with the city zoning administrator.

- (B) The city Site Plan and Preliminary Plat Review Committee is responsible for inspecting any proposed adult entertainment business for which a license is being applied or has already been issued in order to ascertain whether it complies with or is complying with all applicable building codes, statutes, ordinances and regulations in effect in Vicksburg, Mississippi. The Committee shall compare and certify that all aspects of the submitted floor plan, site plan and survey accurately depict the actual structure and comply with the provisions of this ordinance. The Committee is responsible for ascertaining whether a proposed adult entertainment business for which a license is being applied complies with all applicable zoning regulations in effect in Vicksburg, Mississippi.
- (C) The City of Vicksburg Fire Department is responsible for the inspection of licensed adult entertainment premises or any proposed or existing adult entertainment business to ascertain whether it complies with or is complying with all applicable fire codes, statutes, ordinances and regulations in effect in Vicksburg, Mississippi.
- (D) The chief of police or other person as designated by the chief of police shall be responsible for confirming information supplied in the application.

408.10. Application.

- (A) Filing. Any person desiring to own or operate an adult entertainment business shall file with the city zoning administrator a sworn license application on a standard application form supplied by the city.
- (B) Contents. The contents of the application shall contain the following information and shall be accompanied by the following documents:
 - 1. If the applicant is an individual, his legal name, any aliases, date of birth, social security number or taxpayer identification, residence address.
 - 2. If the applicant is a partnership:
 - a. The full and complete name of the partnership;
 - b. The legal names of all partners, dates of birth, social security numbers, residence addresses and all aliases used by all of the partners whether the partnership is general or limited; and

- c. If in existence, a copy of the partnership agreement.
3. If the applicant is a corporation:
 - a. The exact and complete corporate name, the date of its incorporation, evidence that the corporation is in good standing, and tax identification number;
 - b. The legal names, dates of birth and all aliases used, social security numbers, residence address, the capacity of all officers, directors and principal stockholders;
 - c. The name of the registered corporate agent and the address of the registered office for service of process; and
 - d. The current local and legal domiciliary, residential address of the principal stockholders of the corporation. When the principal stockholder is a corporate or other legal entity, the application must trace back the ownership through any layers of corporate organization to the eventual principal stockholder who is a person.
4. If the applicant intends to conduct this establishment under a name other than that of the applicant, the applicant shall state the establishment's fictitious name and the county of registration, all legal names, dates of birth and all aliases used by all interested persons.
5. Whether the applicant or any other interested individual listed pursuant to any paragraph above holds any other licenses required to be engaged in adult entertainment businesses; and if so, the names and locations of other licensed establishment.
6. The single classification of license for which the applicant is filing.
7. A description of the adult entertainment or similar business history of the applicant; whether such person or entity, in previously operating in another city, county or state had a business license revoked or suspended and the reason therefore.
8. The location of the proposed establishment including a legal description of the property site and a legal street address.
9. The applicant's mailing address.
10. A site plan and survey drawn to appropriate scale of the proposed establishment indicating, but not limited to, all property lines, rights of way, the location of buildings, parking areas and spaces, driveways.

11. A floorplan drawn to appropriate scale of the establishment, proposed or existing, indicating, but not limited to, all windows, doors, entrances and exits, fixed structural interior features, improvements to be made which shall be indicated or calculated in terms of percentage of increase of floor size.
 12. The name and phone number of the person for the various representatives of city departments to contact to schedule the required inspections.
 13. The phone number of the existing or proposed establishment.
 14. The name, address and phone number of the owner(s) of the land, building or premises, if not the applicant. The owner shall also sign the application acknowledging the application of these regulations to him as owner(s) of the premises.
 15. Whether preceding the date of the application the applicant or any other individuals listed pursuant to [paragraphs] (1), (2) or (3) above have ever been convicted of a felony crime involving prostitution, obscenity, controlled substances or any other crime of a sexual nature, and if so, identify the act involved, the date of conviction, and the place of conviction.
 16. Authorization for the City of Vicksburg, its agents and employees, to seek information to confirm the statements set forth in the application.
- (C) Copies. Applicant shall supply a minimum of six (6) copies of the application, or more as may be required, to the city zoning administrator.
- (D) Completeness. An application shall not be considered complete until the application satisfies the requirements set out above.
- (E) Application fee. Each application shall be accompanied by a nonrefundable fee of twelve hundred dollars (\$1,200.00) to defray the costs of processing of the application and which will be applied as the license fee for the first year.
- (F) Approval or denial of license:
- (1) In the event the applicant has not satisfied the application requirements, the applicant shall be notified within ten (10) days of filing the application of such fact with a detailed list of reasons and the application shall be automatically denied.
 - (2) If any owner, operator or employee of the adult entertainment business has been convicted of a felony crime involving prostitution, obscenity or a felony crime of any sexual nature within five (5) years preceding application, the license will be denied.

- (3) If the applicant or other interested parties as listed above are not twenty-one (21) years of age, the license will be denied.
 - (4) If the applicant, his agent, representatives or manager has made any false or misleading statement in the application, the license will be denied.
 - (5) If the application has satisfied the requirements of this ordinance, the city zoning administrator shall notify the applicant and issue the license to the applicant within forty-five (45) days of receipt of the application.
- (G) Investigation. The departments shall conduct investigations and inspections and complete the processing of the application within forty (40) days from receipt of the application. If a provision of this ordinance or other applicable laws, including general building, fire or health codes, are found to be in violation, the respective departments will immediately notify the city zoning administrator of the violation by marking the application as rejected, state the reasons and offer suggestions for corrections. If one or more departments reject the application during the forty (40) day period, the city zoning administrator shall notify the applicant of the denial.
- (H) Communication. All communications regarding approval or denial shall be issued by and through the city zoning administrator. Any statements issued directly or independently by the review departments shall not be deemed to create a reliance or estoppel situation as to the provisions of this ordinance.
- (I) Notice. If the application is denied, the city zoning administrator shall notify the applicant with the reasons stated for the denial. Notification shall be sent certified United States Mail, return receipt requested, to the address provided on the license application which shall be considered the correct address.

408.11. Adult entertainment Business Provisions.

- (A) Contents. An adult entertainment business license shall state on its face the name of the licensed business, local residential and legal domiciliary address of the licensee, the name of the establishment, the street address of the establishment, the classification of the license, the date of application, the application number, the date of license issuance, and the date of license expiration.
- (B) Term. All licenses issued under this ordinance shall be annual licenses which shall commence running October 1, on which date they shall have been paid for, and shall expire on September 30 of the following year. If a license is issued after October 1 but by March 31 of the following year, the applicant shall pay the prorated license fee. If a license is issued after March 31 but by October 1 of the same year, the applicant shall pay one-half the appropriate license fee.

- (C) Renewal. Licenses shall be entitled to renewal annually subject to the provisions of this ordinance. Prior to the October 1 expiration date, the annual license may be renewed by presenting the license for the previous year and by paying the appropriate license fee.
- (D) Expiration. A license shall expire for failure to obtain in hand a renewal by October 1.
- (E) Annual license fees:
 - (1) The annual license fees for adult entertainment business is twelve hundred (\$1,200.00) per license.
 - (2) The annual license fees collected under this ordinance are declared to be regulatory fees which are collected for the purpose of examination and periodic inspection of adult entertainment businesses by the appropriate departments or authorities, including the health department in order to make sure the environment in the premises is sanitary. These regulatory fees are in addition to and not in lieu of any taxes or fees imposed by the City of Vicksburg, Warren County, or the State of Mississippi.
 - (3) The fee schedule may be revised pursuant to resolution adopted by the board when necessary to insure the fees cover the costs of administering and enforcing this ordinance.

408.12. Manager's, Entertainer's, and Employee's License.

- (A) License required. All managers, employees and entertainers of an adult entertainment business shall obtain a license prior to working or performing in an adult entertainment business.
- (B) Definitions: See Section 201 Definitions.
- (C) Applications; required information. All applications for an adult entertainment manager's, employee's or adult entertainer's license shall be signed by the applicant and notarized or certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the city zoning administrator and shall require the following information:
 - (1) The applicant's name, home address, home telephone number, date and place of birth, Social Security number or taxpayer identification number and any stage names or nicknames used in entertaining.
 - (2) The name and address of each business at which the applicant intends to work as a manager, employee or entertainer, and the names and addresses

of all adult entertainment businesses where the applicant has previously worked.

- (3) A complete statement of the applicant's criminal background, including all arrests, convictions and pending charges.
 - (4) The applicant shall present documentation that he or she has attained the age of twenty-one (21) years. Any of the following shall be accepted as documentation of age:
 - (a) A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;
 - (b) A state issued identification card bearing the applicant's photograph and date of birth;
 - (c) An official passport issued by the United States of America;
 - (d) An immigration card issued by the United States of America; or
 - (e) Any other picture identification issued by a governmental entity.
 - (5) Authorization for City of Vicksburg to seek information to confirm statements set forth in application.
- (D) Application fee. Each application shall be accompanied by a nonrefundable fee of fifteen dollars (\$150.00) to defray the costs of processing the application.
- (E) Denial for conviction of felony. If the employee, manager or entertainer has been convicted of a felony crime involving prostitution, obscenity or a felony crime of any sexual nature within five (5) years preceding the application, the license will be denied.
- (F) Denial for false or misleading statements. If the employee, manager or entertainer has made any false or misleading statement in the application, the license will be denied.
- (G) Granting or denial of application within forty-five days. The city zoning administrator shall grant or deny the employee, manager or entertainment license within forty-five (45) days of the receipt of the application.

408.13. Transfer of License.

- (A) A licensee shall not transfer his license to another person or thereby surrender possession, control and operation of the licensed establishment to such other person.
- (B) A licensee shall not transfer his license to another location.

- (C) Any attempted transfer of a license either directly or indirectly in violation of this section is hereby declared void and the license shall be deemed abandoned and the license shall be forfeited and revert to the city zoning administrator.

408.14. Regulatory Provisions.

- (A) General requirements:
 - (1) Each adult entertainment business and its employees, agents or other representatives shall observe the following general requirements, regulations and standards of conduct:
 - (a) Conform to all applicable building codes, statutes, ordinances and regulations whether federal, state or local.
 - (b) Conform to all applicable fire statutes, codes, ordinances and regulations, whether federal, state or local.
 - (c) Conform to all applicable health statutes, codes, ordinances and regulations whether federal, state or local.
 - (d) Conform to all applicable zoning regulations and land use laws.
 - (e) Keep the adult entertainment business license and the name of the manager on duty posted in a conspicuous place at the establishment at all times, which license and name of manager on duty shall be available for inspection upon request at all times by the public.
 - (f) Opaquely cover each non-opaque area through which a person outside the establishment may otherwise see inside the establishment.
 - (g) Reserved.
 - (h) No employee, entertainer or other person shall at any time engage in any exhibition, performance or dance except upon a stage at least eighteen (18) inches above the immediate floor level and removed at least six (6) feet from the nearest patron.
 - (i) No employee or entertainer shall knowingly permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.
 - (j) No employee or entertainer shall touch, caress or fondle the breasts, buttocks, or genitals of any other person.
 - (k) No employee or entertainer shall wear or use any device or covering exposed to view which simulates the breast below the top of the areola, vulva or genitals, anus, buttocks, or any portion of the pubic region.
 - (l) No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection.
 - (m) No entertainer shall solicit, demand or receive any payment or gratuity from any patron for any act prohibited by this chapter.

- (n) No entertainer shall demand or collect any payment or gratuity from any patron for entertainment before its completion.
- (o) No person shall touch, caress or fondle the breasts, buttocks, or genitals of any employee, entertainer or manager while on the premises of the adult entertainment business.
- (p) No person under the age of twenty-one (21) shall be allowed or permitted on the premises of an adult entertainment business.
- (q) No employee or entertainer mingling with the patrons shall be unclothed or in less than opaque and complete attire, costume or clothing so as to expose to view any portion of the breast below the top to the areola or any portion of the pubic region, anus, buttocks, vulva or genitals.
- (r) No adult entertainment business shall operate or conduct business or remain open to the public between the hours of 12:00 midnight and 10:00 a.m.

(B) Special requirements:

(1) Prohibition of alcoholic beverages, light wine, and beer:

- (a) No person or employee shall expose to public view his or her “specified anatomical areas” or any simulation thereof in any establishment which serves or allows the consumption of alcoholic beverages, light wine and/or beer.
- (b) No person owning, maintaining or operating an establishment serving alcoholic beverages shall suffer or permit any person or employee to expose to public view his or her “specified anatomical areas” or any simulation thereof within the establishment which serves or allows the consumption of alcoholic beverages, light wine and/or beer.
- (c) No person shall cause an no person maintaining, owning or operating an establishment serving alcoholic beverages, light wine and/or beer shall suffer or permit the exposition of any graphic representation, including pictures or projection of film which depict “specified anatomical areas,” engage in any “specified sexual activities” or any other sexual act prohibited by law or any simulation thereof within any establishment which serves or allows the consumption of alcoholic beverages, light wine and/or beer.

(C) Penalties:

- (1) Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this ordinance shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not

exceeding ninety (90) days, and the cost of prosecution, or by both such fine and imprisonment in the discretion of the Municipal Court. Each day any violation of any provision of this ordinance shall continue shall constitute a separate offense.

- (2) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance shall be deemed a public nuisance and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

408.15. Enforcement.

- (A) Violations of regulations:

- (1) Suspension of license:

- (a) In the event a licensed adult entertainment business is operating in violation of a building, fire, health or zoning statute, code, ordinance or regulation, whether federal, state or local, the appropriate citing department shall promptly notify the city zoning administrator who shall notify the licensee of the violation and shall allow the licensee a ten (10) business day period in which to correct that violation. If the licensee fails to correct the violation within the ten (10) business day period, the citing department shall notify the city zoning administrator who shall forthwith suspend the license and shall notify the licensee of the suspension. The suspension shall remain in effect until the citing department notifies the city zoning administrator in writing that the violation of the provision in question has been corrected.
- (b) In the event the city zoning administrator or other departments are notified, learn or find that a licensee engaged in a license transfer contrary to this ordinance, the city zoning administrator shall forthwith suspend the license and notify the licensee of the suspension. The suspension shall remain in effect until all of the requirements have been satisfied and a new license is issued by the city zoning administrator.
- (c) In the event there are a combination of three (3) or more convictions of manager, operator or employees for violation of any of the rules and regulations of this ordinance within a two-year period, the city zoning administrator shall, upon notification of the date of the third conviction, suspend the license and notify the licensee of the suspension. The suspension shall remain in effect for a period of ninety (90) days.

- (d) In the event there are a combination of two (2) or more felony convictions of manager, operator or employees for violations of the ordinances of the City of Vicksburg or the laws of the State of Mississippi within a two year period, the license shall be suspended for one hundred eighty (180) days.
- (e) In the event of more than five (5) police calls to the site in a period of six (6) months because of violence or disturbance of the peace that result in arrest or issuance of a citation for violation of any city ordinance or the laws of the State of Mississippi, the license may be suspended for a period of ninety (90) days.

(2) Revocation:

- (a) In the event of one (1) or more convictions of any rule, regulation or law cited above during a period of suspension, the license shall be revoked.
- (b) In the event there are a combination of five (5) or more convictions of manager, operator or employees for violations of any rules or regulations of this ordinance within a two (2) year period, the license shall be revoked.
- (c) In the event there are a combination of three (3) felony convictions of manager, operator or employees of violation of the ordinances of the City of Vicksburg or the laws of the State of Mississippi within a two-year period, the license shall be revoked.
- (d) In the event it is learned or found upon sufficient cause that a license was granted based upon false information, misrepresentation of fact or mistake of fact by the licensee or its agent, the respective department which has knowledge of false information shall notify the city zoning administrator, who shall forthwith revoke the license and notify the licensee of the revocation.
- (e) In the event of more than ten (10) police calls to the site in a period of twelve (12) months because of violence or disturbance of the peace that result in arrest or issuance of a citation for violation of any city ordinance or the laws of the State of Mississippi, the license may be revoked.
- (f) In the event a licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises, the license shall be revoked.
- (g) In the event a licensee or an employee has knowingly allowed prostitution on the premises, the license shall be revoked.
- (h) In the event a licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur in or on the licensed premises, the license shall be revoked.

- (i) In the event the owner or operator of the licensed establishment knowingly allowed a person under twenty-one (21) years of age to enter an establishment, the license shall be revoked.
 - (j) In the event there was a change of owner or operator for which a new application was not timely filed, the license shall be revoked.
 - (k) If the license is revoked, the licensee shall not be allowed to obtain another adult entertainment license for a period of two (2) years and no license shall be issued during the time period to any other person for the location of premises upon which the adult entertainment business was situated.
- (B) Records and reports. Each licensee shall keep such records and make such reports as may be required by the city zoning administrator and the departments to implement this ordinance and to carry out its purpose.

408.16. Appeals.

- (A) Any decision made by the city zoning administrator which adversely affects the applicant or licensee may be appealed to the Planning and Zoning Commission within ten (10) days of notification of the city zoning administrator's decision by filing a notice of appeal with the secretary of the Planning and Zoning Commission and stating the grounds for the appeal.
- (B) The applicant, licensee or other aggrieved party may appeal the decision of the Planning and Zoning Commission to the board by filing a notice of appeal with the city clerk. A hearing will be held within twenty (20) days before the board which will render a decision with ten (10) days thereafter.
- (C) The decision of the mayor and board of aldermen of the City of Vicksburg is appealable to the Circuit Court of Warren County.

408.17. Severability Clause.

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

408.18. Effective Date.

Because the adoption of this ordinance is necessary for the immediate and temporary preservation of the public peace, health and safety and because the opening of adult entertainment businesses has adverse, secondary effects on the community, this ordinance shall take effect and be in force from and after this passage.

SECTION 409. WIRELESS COMMUNICATIONS

409.1 Intent.

The purpose of this chapter is to facilitate the rapid expansion of the wireless telecommunications industry through the use of reasonable and nondiscriminatory policies designed to encourage growth and competition for the benefit of the citizens of the city, but at the same time to protect the public against any adverse impact upon the city's aesthetic resources, avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements, maximize the use of existing and approved towers and buildings through co-location and protect the public health, safety and welfare. Furthermore, it is the goal of this chapter to establish general guidelines for the siting of towers and antennas for commercial wireless telecommunications and to:

1. Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community;
2. Encourage strongly the joint use of new and existing tower sites;
3. Encourage users of towers and antennas to locate them, to the greatest extent possible, in areas where adverse impact on the community is minimal;
4. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
5. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.

409.2 General Provisions.

1. The terms and conditions of this chapter shall apply to all towers and antennas emitting and/or receiving radio wave frequencies. This includes, but is not limited to, AM/FM radio, television, cellular, pagers, faxes and computers. Ham radio and CB radio towers shall not be subject to this chapter. Ham radio and CB radio towers shall be allowed a maximum height of thirty-five (35) feet in any zoning district.
2. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such

revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

3. The owner of a tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronics Industries Association, as amended from time to time. If, upon inspection by the City's Inspection Department, the city concludes that if a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the city may order the removal or cause the removal of such tower at the owner's expense.
4. Each application for the construction of a wireless telecommunication facility shall include a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with the radio, television and public safety communications devices or other services enjoyed by adjacent residential and nonresidential properties. The certificate shall be notarized and recorded by the applicant.
5. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove said tower within ninety (90) days of the receipt of notice from the city notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the city may remove such antenna or tower at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
6. Towers shall not display signs or advertisements for commercial or noncommercial purposes, unless such signs are for the purpose of providing warning or specific equipment information.
7. Towers shall be engineered and constructed to accommodate co-location of more than one antenna as required by Section 1102(e) of this chapter.

409.3 Tower and Antenna Location and Development Standards.

1. Construction of new towers and/or antennas will be considered as permitted uses under the following conditions:
 - A. If the antenna is to be co-located on any existing tower in conformance with the conditions of this chapter;

- B. If the tower and/or antenna is to be located on city-owned property, buildings or structures. This provision shall be subject to administrative review by the city.
- 2. Construction of new towers and/or antennas will be considered as a special exception in the agricultural (A-1), high intensity commercial (C-4), general commercial (C-2), light industrial (I-1), heavy industrial (I-2) and planned unit developments (PUD). New towers and/or antennas shall not be permitted in the Historic Vicksburg District (DHRC) unless they are located within an existing structure, such as but not limited to a church steeple, so as to be completely enclosed and not in view from any public right of way, nor shall any new towers and/or antennas be permitted in the Historic Vicksburg District that are to be located on top of any existing building provided that the tower and/or antenna does not extend further than five (5) feet beyond the highest point of the building.
 - 3. Applicants for the proposed construction of new towers and antennas must submit the following information with their application:
 - A. Site and landscape plans drawn to scale and indicating tower height, elevations, topographical contours, location, accessory structures, access to tower site, and proposed fencing.
 - B. Environmental analysis or statement signed by a licensed professional engineer indicating RF emissions do not exceed FCC standards.
 - C. Documentation that existing towers will not accommodate proposed antenna.
 - D. A list of all tower owners contacted, date of contact, and the form and content of contact see Section 1022(e) .
 - E. A statement of intent to share space on the tower.
 - 4. All towers greater than seventy-five (75) feet in height erected, constructed, or located within the city shall comply with the following requirements:
 - A. Any proposed tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred thirty (130) feet in height or for at least one (1) additional user if the tower is over seventy-five (75) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

- B. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the city that no existing tower or other structure can accommodate the applicant's proposed antenna within a one (1) mile search radius, one-half (½) mile for towers under 150 feet in height, one-quarter (1/4) mile for towers under one hundred (100) feet in height of the proposed tower. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- a. No existing towers or structures are located within the geographic area that meets the applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural capacity to support the applicant's proposed antenna and related equipment and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - d. The applicant's proposed antenna would cause electromagnetic interference with an antenna on any existing towers or structures, or an antenna on the existing tower or structure would cause interference with the applicant's proposed antenna.
 - e. The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower construction are presumed unreasonable.
 - f. Nothing in these rules and regulations shall be construed to interfere or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a tower or facility.
- C. Any evidence submitted to the city in order to meet the above listed requirements of Section 1102(d)(2) shall be documented by a qualified and licensed professional engineer.

5. The following conditions apply to the location of proposed new towers:
 - A. To the greatest extent possible, all new communications towers will pursue the possibility of location on city-owned structures or property.
 - B. Towers cannot be within three hundred fifty (350) feet of schools, parks, playgrounds, or day care centers. The three hundred fifty (350) feet shall be measured from property line to property line.
 - C. Towers cannot be within one thousand (1,000) feet of any property or lands held in title or maintained by the U.S. Department of the Interior or the National Park Service.
 - D. The distance between towers may not be closer than one-quarter (1/4) of a mile unless they meet the conditions and requirements set forth in Section 1102(d).
6. Guyed and lattice towers shall be prohibited.

409.4 Setbacks.

All new towers shall be subject to the setback requirements of the zoning district they are to be located within. The Planning and Zoning Commission may require more stringent setbacks in order to offset possible health, safety, or aesthetic concerns.

409.5 Tower Lighting.

1. Towers shall not be illuminated through the use of artificial lights such as strobe lights or other lighting devices unless specifically required by the FAA or other state and federal government agencies. Light fixtures may be attached if it is part of the design incorporated into the tower structure to be used for the illumination of athletic fields, parking lots, streets or other similar areas. Lighting of the accessory buildings for basic security purposes is permissible but may not result in unnecessary glare on adjacent properties in residentially zoned areas.
2. Should lighting be required by state or federal law the lighting shall be placed on the tower and designed in such a way as to minimize the glare on adjacent residential properties. In these instances, dual lighting shall be used. Dual lighting is considered as strobe lighting during the daylight hours and red lighting during nighttime hours.

409.6 Landscaping and Screening.

1. To the greatest extent possible, towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging.

2. Existing on-site vegetation will be preserved to the maximum extent possible.
3. Where the proposed tower site abuts residential zones, the site perimeter shall be landscaped with at least one (1) row of deciduous trees, not less than one and one-half (1 1/2) inches in diameter at the time of planting, measured three (3) feet above the grade not more than twenty (20) feet apart, on-center, within twenty-five (25) feet of the site boundary. The Planning and Zoning Commission may permit alternatives such as walls or fences based on security or aesthetic reasons.
4. Fences, if required, shall be colored or be of a design which blends into the character of the existing environment.
5. Towers shall be constructed of a material with a neutral color designed to blend in with the surrounding land uses. Towers two hundred (200) feet or less in height shall have a galvanized finish or a silver paint. If heavy vegetation is in the immediate area, towers shall be painted a shade of green as to match the vegetation from the base of the tower to the tree line, with the remainder painted silver or given a galvanized finish. Towers greater than two hundred (200) feet in height shall be painted according to the regulations of the FAA.
6. The city may require additional screening or otherwise require design modifications to insure that the attractiveness and the aesthetic quality of the area is not adversely affected.

409.7 Antennas on Structures Other Than Towers.

Antennas mounted on rooftops or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Microwave antennas exceeding twelve (12) inches in diameter on a roof or building-mounted facility shall not exceed the height of the structure to which they are attached, unless fully enclosed. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character or color.

409.8 Fees.

All applicants shall pay a fee of five hundred dollars (\$500.00) upon submittal of an application for a new tower or antenna. The application shall be subject to all building permit and plan check review fees as established by the city.

409.9. Penalty Clause

See Section 610 Penalties for Violations.

409.10. Nonconformity Clause

Except as herein specified, any nonconforming telecommunications tower may be continued in operation and maintained after the effective date of this ordinance; provided, however, that no such telecommunications tower shall be changed in any manner that increases the noncompliance of such tower with the provisions of this ordinance for the zone in which such tower is located.

409.11. Severability Clause

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

SECTION 410. MISCELLANEOUS REGULATIONS.

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

410.2 Frontage on Corner Lots and Through Lots. On lots having frontage on more than one (1) street, the minimum front yard shall be provided for each street in accordance with the provisions of this ordinance.

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

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

410.3.2 Such facilities shall be enclosed by a protective fence as approved by the Site Plan and Preliminary Plat Review Committee.

410.3.3 Open spaces on the premises shall be landscaped and maintained.

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

410.3.5 The surrounding area shall not be adversely affected by and shall be protected from noise, odor, glare, dust, fumes, gas, smoke and vibration by such suitable means and conditions as the Site Plan and Preliminary Plat Review Committee may specify.

410.4 Public/Quasi-Public Buildings:

410.4.1 All public and quasi-public facilities and utilities may be located in any zoning district in the city but excludes city-owned facilities provided:

1. All applicable requirements of federal, state and city laws shall be met;
2. All such proposed uses shall be by special exception;
3. 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, provided, however, that all cemeteries existing prior to the adoption of this ordinance shall be permitted in any district.

410.4.2 Dimensional requirements for public/quasi-public facilities and utilities in all districts:

1. Maximum building height: as determined by the adopted building code;
2. Minimum lot area: as determined by the base zone;
3. Minimum lot width: as determined by the base zone;
4. Minimum yards: as determined by the base zone;
 - A. Front yard: 30 feet from the existing or proposed right-of-way to the building setback line;
 - B. Side yard: 10 feet, unless the proposed use abuts an existing R-1 or R-2 zoning district in which case the side yard shall be at least 50 feet from any building to the lot line abutting the R-1 or R-2 zoning district;
 - C. Rear yard: 20 feet, unless the proposed use abuts an existing R-1 or R-2 zoning district in which case the side yard shall be at least 50 feet from any building to the lot line abutting the R-1 or R-2 zoning district;
 - D. For existing neighborhoods see residential districts in the correct neighborhood district.

410.5 Recreational Vehicle Campgrounds:

410.5.1 Generally. Recreational vehicle campgrounds and accessory uses may be located only in permitted zoning districts (see Sections 406.1 to 406.12) by approval of the Planning and Zoning Commission as a special exception, subject to the requirements of this section, and any other conditions and safeguards as the board may prescribe.

410.5.2 Requirements:

- (A) Dimensional requirements for recreational vehicle campgrounds:

- (1) Maximum building height: No structure shall exceed thirty-five (35) feet in height as measured from the average of the finished ground elevations as the front line of the building.
 - (2) Minimum size of park: Ten (10) acres.
 - (3) Minimum recreational vehicle site area: One thousand two hundred (1,200) square feet.
 - (4) Minimum recreational vehicle site lot width: Twenty (20) feet.
 - (5) Minimum recreational vehicle site lot length: Sixty (60) feet.
 - (6) Maximum density: Twenty-four (24) recreational vehicles per acre.
 - (7) Minimum yards required with park: The minimum yard requirements for recreational vehicle space shall be:
 - (a) Front yard, including spaces fronting on two (2) private drives or streets within the park: five (5) feet from the edge of the pavement of each drive or street to the nearest edge of the recreational vehicle or other accessory vehicle.
 - (b) Side and rear yards: five (5) feet.
 - (8) Minimum setbacks for campground perimeter: All recreational vehicles shall be located at least twenty (20) feet from the edge of the pavement of any access street bordering the campground, whichever is greater, whether such street is a dedicated public street or a private street. The campground perimeter shall be a landscaped open space with no encroachments permitted, including parking lots, patios, other structures or other paved areas except for entrance/exit driveways.
- (B) Access to public streets and highways. All access points to public streets and highways shall be approved by the city engineer of the City of Vicksburg and, if applicable, the Mississippi State Department of Transportation.
- (C) Traffic circulation:
- (1) Private streets (driveways) within the recreational vehicle campground. Streets in recreational vehicle campgrounds shall be private and shall be composed of stabilized, compacted material such as shell, marble, gravel, asphalt, concrete, or other suitable materials.
 - (2) Travelway requirements. Streets shall have the following minimum stabilized travelway requirements:

- (a) One-way, no parking – eleven (11) feet.
 - (b) One-way, with parking on one (1) side or two-way traffic with no parking – eighteen (18) feet.
 - (c) Two-way with parking on one (1) side – twenty-seven (27) feet.
 - (d) Two-way with parking on both sides – thirty-four (34) feet.
- (3) Turnarounds. Turnarounds shall be provided for all dead-end roads. The minimum radius of a required turnaround is eighty (80) feet.
- (D) Accessory uses. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin operated laundry facilities and other uses and structures customarily incidental to operation of a recreational vehicle campground. In addition, stores, restaurants, beauty parlors, barber shops and other convenience establishments shall be permitted as accessory uses in recreational vehicle campgrounds subject to the following restrictions:
 - (1) Such establishments and the parking areas primarily related to their operation shall not occupy more than five (5) percent of the gross area of the park.
 - (2) Such establishments shall be restricted in their use to occupants of the park.
 - (3) Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park.
 - (4) The structures housing such facilities shall not be located closer than one hundred (100) feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within a park.
- (E) Open space and recreational area. A minimum of five (5) percent of the gross recreational vehicle park area shall be set aside and developed as common use areas for open or enclosed recreation facilities. No required buffer strip, street, storage area, recreational vehicle site or utility site shall be included in meeting recreational purposes.
- (F) Screening. Each recreational vehicle park shall have set aside along the perimeter of the property line the following areas which shall be landscaped and used for no other purposes: where needed to enhance aesthetics or to ensure public safety,, the campground shall be enclosed by a fence, wall, landscape screening or earth

mounds, or by other design approved by the Planning and Zoning Commission, which will complement the landscape and ensure compatibility with adjacent environment.

- (G) Permanent occupancy:
- (1) Recreational vehicle parks are intended for use on a temporary basis by campers, vacationers and travelers and are not intended as a place for permanent abode dwelling or business or for an indefinite period of time. Continuous occupancy extending beyond thirty (30) days in any twelve month period shall be presumed to be permanent occupancy and shall be prohibited.
 - (2) Any action toward removal of wheels of a recreational vehicle except for temporary purposes or to attach the vehicle to the ground for stabilizing purposes is hereby prohibited.
 - (3) No more than one (1) permanent structure or manufactured home shall be allowed per recreational vehicle park. This structure shall meet all city ordinances or on-site permanent residential occupancy by management.
- (H) Utilities and drainage. Utilities (electrical power, natural gas, water, and sanitary sewerage and storm drainage) shall be provided and connected according to all applicable codes and ordinances of the City of Vicksburg. On-site utilities shall be underground.
- (I) Lighting. Adequate lighting shall be provided for all streets, walkways, buildings and other facilities subject to nighttime use. Exterior illumination shall be provided as follows:
- (1) Streets. An average illumination level of at least 0.6 footcandle and a minimum level of 0.1 footcandle shall be maintained.
 - (2) Serving buildings. Illumination levels of at least five (5) footcandles shall be maintained at the entrance.
- (J) Refuse disposal:
- (1) The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
 - (2) Durable watertight refuse containers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station or at a central storage area readily accessible and located not more than three hundred (300) feet from any camp or picnic site unless provided at the

campsite. For parks exceeding thirty (30) spaces, dumpsters will be required at a rate of four (4) cubic yards per thirty (30) spaces; otherwise, refuse containers shall be provided at the rate of eight (8) cubic feet (sixty (60) gallons) for each five (5) campsites or the equivalent thereof if containers are provided at individual campsites. Refuse shall be picked up not less than twice weekly.

- (3) All solid waste generated by a recreational vehicle park shall be stored and disposed of in accordance with the State Board of Health regulations governing solid waste management and the codes and ordinances of the city governing solid waste.

- (K) Freedom from flooding and ponding. All recreational vehicle parks shall be located on ground which is not within a designated flood hazard boundary as identified by the Flood Insurance Administration and graded so as to prevent any water from ponding or accumulating on the premises.

- (L) Other regulations. Pursuant to section 41-25-13, the Mississippi State Department of Health has provided regulations governing recreational vehicle campgrounds.
 - (1) It shall be unlawful for any person to construct, maintain or operate any recreational vehicle campground within the City of Vicksburg unless they hold a valid permit issued by the Mississippi State Department of Health.
 - (a) Satisfactory evidence of such permit shall be provided to the building official prior to the issuance of a certificate of occupancy of the campground.

 - (b) Such permit shall be posted in a conspicuous place on the premises and shall be available for review by any interested persons.

 - (2) In the event of a conflict between those regulations and this section, the higher standard shall govern.

410.6 Buffer Zone for Vicksburg National Military Park.

Around the perimeter of the Vicksburg National Military Park there shall be established a twenty-five (25) foot minimum buffer zone in which building or construction or parking is prohibited. Any proposed development occurring on property bordering the Vicksburg National Military Park properties or former Vicksburg National Military Park property currently held in title by the mayor and aldermen of the City of Vicksburg shall be presented to the building official for sit plan review and approval and approval in order to mitigate potential for any adverse effects. Subject to impact of proposed development, the city may require a developer to landscape the buffer zone between the proposed development and the park property or former park property. The minimum buffer zone shall be twenty-five (25) feet.

ARTICLE V: ZONING DISTRICTS

SECTION 500. ZONING DISTRICTS

500.1 NORTH WASHINGTON STREET NEIGHBORHOOD (1)

INTENT: The North Washington Street area serves as an entrance to Vicksburg. This neighborhood is characterized by a mixture of dilapidated housing, manufactured homes, small commercial uses, nightclubs, churches, scrap metal companies, and others. Areas west of the railroad are level and flood-prone. The area east of Old Highway 61 changes from level land to rugged, hilly land with slopes over 15 percent. The northern half of this district has fewer structures, is less populated, and is more scenic.

500.1.1 (R-1) SINGLE-FAMILY RESIDENTIAL ZONE

Purpose of This District: To provide areas for the development of moderate density single-family detached houses on small lots.

Permitted Uses:

1. Site-built Single-family dwellings and accessory structures – 1 per parcel

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses. See Section 410.4.1
2. Group Care Facilities

Dimensional Requirements:

Required Lot Area and Lot Width: every dwelling shall be located on a single lot of not less than 7,000 sq. ft. in area and shall have a width determined at the building setback line of not less than 70 feet.

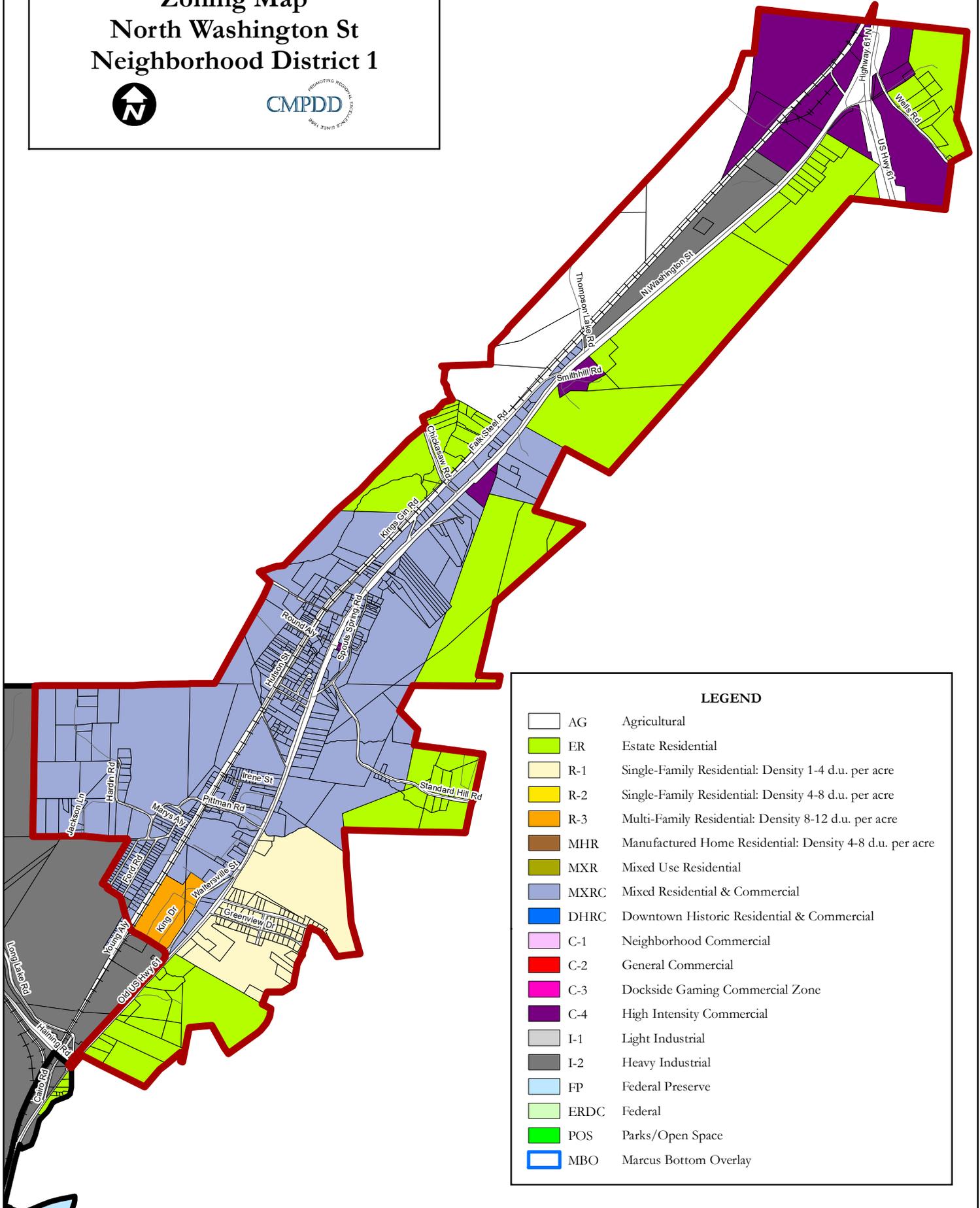
Percentage of Lot Coverage: Not more than 35 percent of the area of any lot.

Minimum Yards:

1. **Front Yard:** the front yard building setback line shall be a minimum of 25 feet from any existing right-of-way line of any street or road, including those shown on the City of Vicksburg Major Thoroughfare Plan.
2. **Side Yard:** There shall be a minimum side yard of 5 feet on each side of any structure, measured from the side lot line to the nearest building.
3. **Rear Yard:** There shall be a minimum of not less than 25 feet.

City of Vicksburg

Zoning Map North Washington St Neighborhood District 1



LEGEND

- | | | |
|--|------|--|
| | AG | Agricultural |
| | ER | Estate Residential |
| | R-1 | Single-Family Residential: Density 1-4 d.u. per acre |
| | R-2 | Single-Family Residential: Density 4-8 d.u. per acre |
| | R-3 | Multi-Family Residential: Density 8-12 d.u. per acre |
| | MHR | Manufactured Home Residential: Density 4-8 d.u. per acre |
| | MXR | Mixed Use Residential |
| | MXRC | Mixed Residential & Commercial |
| | DHRC | Downtown Historic Residential & Commercial |
| | C-1 | Neighborhood Commercial |
| | C-2 | General Commercial |
| | C-3 | Dockside Gaming Commercial Zone |
| | C-4 | High Intensity Commercial |
| | I-1 | Light Industrial |
| | I-2 | Heavy Industrial |
| | FP | Federal Preserve |
| | ERDC | Federal |
| | POS | Parks/Open Space |
| | MBO | Marcus Bottom Overlay |

Accessory Structures: There shall be a minimum of 5 feet from the property line.

Yards of public or quasi-public buildings: All public or semi-public buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of 30 feet from the respective lot line.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: See Section 614.

500.1.2 (R-3) MULTIPLE-FAMILY RESIDENTIAL ZONE

Purpose: 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) residential districts and higher intensity uses, such as commercial uses or light industrial (I-1) uses, that are not compatible with lower density residential environment. Multiple Family Residential districts (R-3) shall have access directly only streets/highways that are classified as principal arterials or minor arterials on the adopted Thoroughfares Plan; such access shall not be provided by means of a driveway through land zoned for other purposes or by means of a driveway through other property that is not a part of the proposed multi-family development.

All multi-family residential uses shall be property landscaped and screened from other uses and access/egress to apartment or condominium complexes shall be provided in accordance with Section 614. Landscaping section.

Entrances to all units must be through an interior hallway. No outside entrance will be allowed excluding patio entrances on ground floors.

Permitted Uses: The following uses are permitted outright in the R-3 districts subject to the regulations prescribed herein.

1. Multi-family dwellings including apartments and condominiums as defined in the Definitions Section of this ordinance.
2. Accessory uses or structures in multi-family residential complexes, including laundromats, vending machine center, recreational buildings, swimming pools,

tennis courts, and similar uses and structures incidental to multi-family buildings. Such uses and structures shall be reserved exclusively for use by residents of the multi-family complex.

3. Home occupations in compliance with Section 404.10.

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses, see Section 404.5
2. Child care facilities
3. Railroad and railroad spur tracks
4. Buildings over 2 stories

Dimensional Requirements for All Multi-Family Uses:

Minimum lot area: Five (5) acres, but not more than 20 acres and not adjacent to existing or proposed multi-family housing.

Maximum Density: Ten (10) dwelling units per gross acre.

Minimum Lot Width: 200 feet at the required building setback line.

Percentage of Lot Coverage: Not more than 40 percent of the area of any lot.

Minimum Yards:

1. Front yard: 50 feet with a 25 foot landscape buffer.
2. Side and rear yard: 50 with a 25 foot landscape buffer.
3. Minimum space between buildings: 30 feet.

Requirements for Off-Street Parking and Loading Requirements: See Section 407. .

Signs: See Section 408.

Site Plan Required: The developer of any apartment or condominium complex shall submit a site plan to the Community Planning Department in accordance with Section 400.5 his ordinance.

Required Open Space Reservation for All Multi-Family Residential Developments: A minimum of 30 percent 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. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the apartments or condominiums. The sit plan shall include the location and

area (in acres) to be so reserved or dedicated for open space or recreational facilities. On-site maintenance, management and security is required.

Maximum Amount of Common Open Space Covered by Water: No more than 50 percent of the required amount of open space may be covered by lakes or ponds.

Steep Slopes: In reviewing the preliminary subdivision plat for a proposed apartment or condominium complex, the Planning and Zoning Commission shall determine if any land containing slopes of 12 percent 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 Site Plan and Preliminary Plat Review Committee shall make a decision as to whether or not any steep sloped land should be approved for use in meeting the requirements of this Section.

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 Site Plan and Preliminary Plat Review Committee as part of the site plan review process. All open space improvements shall be shown on the site plan. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

Staged Development of a Multi-Family Residential Development:

If a multi-family residential development is to be developed in stages or parts, 30 percent of the gross site area of each part shall be reserved for open space.

Required Landscaping Along Arterial Streets: Developers of multi-family residential uses in R-3 zones shall comply with the Landscaping Chapter 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 or child care facilities shall also comply with Section 606.

Water and Sewer Connections: The City of Vicksburg utilities will notify developer of water and sewer connections and type of meters.

Dumpster Ordinance: See Section 11-117(c).

Landscape Plan : See Section 614.

500.1.3 (E-R) ESTATE RESIDENTIAL ZONE

Purpose: The purpose of this district is to provide for large lot, low-density residential development for persons desiring the amenities afforded by more spacious surroundings.

Land Uses Permitted:

1. Single-family detached dwellings with only one (1) dwelling per lot.

- a) site-built homes
 - b) modular homes
 - c) manufactured homes
2. Accessory uses and structures associated with the use of land for residential purposes.
 3. Home occupations in compliance with Section 404.10.
 4. 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 one (1) acre of land or greater (one acre of land per animal is required). 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 not closer than 50 feet from any adjoining property lines or street right-of-way line. In accordance with the Chapter 4 Animals and Fowls of the City of Vicksburg, no hogs, pigs, or other swine shall be kept in the City of Vicksburg.

Uses Permitted by Special Exceptions:

1. Public/Quasi-Public facilities and utilities in Connection with Section 404.5 and other regulations of this Code.
2. Child care facilities

Dimensional Requirements:

Minimum Lot Area: One acre.

Minimum Lot Width: 150 feet.

Minimum Yards:

1. Front yard: 35 feet from the existing or proposed street right-of-way line to the building setback line.
2. Side yards: 10 feet
3. Rear yard: 25 feet

Swimming Pools: See Section _____.

Off-Street Parking Requirements: See Section 402.

Signs: See Section 403.

Landscape Plan: See Section 614.

500.1.4 (MXRC) MIXED RESIDENTIAL AND COMMERCIAL ZONE

Purpose: To provide for mixed residential and commercial uses along major thoroughfares.

Permitted Uses:

1. Single-family dwelling and accessory structures – 1 per parcel
 - a) site-built homes
 - b) modular homes
 - c) manufactured homes
2. Two-family or duplex dwellings
3. Multifamily Residential (must follow guidelines in Section R-3)
4. Antique shops
5. Apparel stores
6. Art studios
7. Florist shops
8. Hardware stores
9. Offices and/or office buildings, which include, but are not limited to, privately owned medical or dental clinics
10. Shoe repair shops and similar service establishments
11. Custom sign painting shops – no outdoor storage or painting
12. Full Service Restaurant
13. Fast Food Restaurant
14. Personal service shops for barbering, beauty culture and physical culture

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses see Section 404.5
2. Personal care homes
3. Boarding house
4. Child care facility Class B
5. Tourist homes

Lot Area and Dimensional Requirements:

Required Lot Area and Lot Width: minimum lot of not less than 5,000 sq. ft. in area for single-family dwellings and shall have a width determined at the building setback line of not less than 50 feet.

Every two-family or duplex residences shall be located on a lot or lots of not less than 8,000 square feet in area and shall have a width determined at the building setback line of not less than 50 feet.

Yards Required:

Front yard: the front yard building setback line for residential uses shall be a minimum of 20 feet from any existing right-of-way line of any street or road. The front yard building setback for commercial uses shall be a minimum of 50 feet from any existing right of way line of any street or road.

Side yard: There shall be a minimum side yard of 5 feet on each side of any single-family structure, measured from the side lot line to the nearest building, and there shall be a minimum of 6 feet on each side of any two-family or duplex dwelling, or 10 feet on each side of any multifamily structure or use permitted by special exception, measured from the side lot line to the nearest building. Commercial uses require 25 foot side yards.

Rear yard: There shall be a minimum of not less than 10 feet for residential uses and 50 feet for commercial uses.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan : See Section 614.

500.1.5 (C-4) HIGH INTENSITY COMMERCIAL ZONE:

Purpose: The purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility along major thoroughfares, such as North Washington Street.

Permitted Used:

1. Retail shops
2. Service stations including vehicle repairs (except body repairs), provided that all vehicle repairs except those of 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
3. Convenience stores
4. Shoe repair shop or similar service establishment
5. Banks
6. Class B child care facilities
7. Florist shop
8. Washaterias/Laundromats and dry cleaners
9. Cleaning and laundry pick-up station
10. Hotels, motels
11. Full service restaurants
12. Fast Food Restaurants
13. Indoor recreational uses including skating rinks, bowling alleys, arcades & similar uses
14. Business & professional offices which include, but are not limited to, privately owned medical or dental clinics
15. Institution for children or the aged, not including penal or correctional types
16. Studios of artists or photographers

17. Personal service shops for barbering, beauty culture or physical culture; health club, fitness center;
18. Pet shops
19. Carpet and upholstery cleaning service
20. Plumbing sales, retail, and wholesale, and repair services; air conditioning/heating sales and service – No outdoor storage
21. Radio and television sales, and repair services
22. Outdoor storage and display of products, equipment or materials normally sold outdoors and where the sale of said items are normally a part of the business operations on that property.
23. Farm and garden supply feed store;
24. Commercial printing establishments, newspaper publishing and specialty printing providing that the business is conducted in an enclosed building and does not require outside storage of materials or products;
25. Shopping centers located on minimum sites of one (1) acre on an existing or proposed arterial street;
26. Automotive repair services: all operations shall be conducted within an enclosed building, all damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from surrounding property or from any adjoining public street or walkway. No damaged or wrecked vehicles shall be stored for purposes other than repair and shall not constitute a vehicle wrecking, dismantling, or impounding yard, or junk or salvage;

Uses Permitted by Special Exception:

1. Construction equipment sales, repair and storage, farm equipment sales, repair and storage, Recreational vehicle sales, sales, repair and storage, Manufactured home sales, Building materials sales, automotive sales (used), or Heavy construction equipment sales and service, and similar types of outdoor sales, where some or all such materials are displayed outdoors or visible from streets or highways located on minimum sites of two (2) acres.
2. Wireless Communication towers;
3. Public/Quasi-Public uses, see Section 404.5;
4. Outdoor recreational and entertainment uses in which all or part of the activities are conducted out-of-doors, such as golf driving or putting courses, amusement parks, drive-in theaters, etc.;
5. Truck stops;
6. Veterinary clinics with outside dog runs;
7. Railroads and railroad spur tracks;
8. Yard and garden centers, nurseries, and greenhouse operations;
9. Carwashes/vacuum cleaner stations and quick car care clinics (lubrication, tune-up, etc.);
10. Photomats, laudromats;
11. Free-standing “game rooms,” for electronic video games, pool tables, etc.;
12. Mini storage buildings with a 2 acre minimum site;
13. Recycling center – minimum of five (5) acres;
14. Sawmill – minimum ten (10) acres

Lot Area and Dimensional Requirements:

Required Lot Area and Lot Width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Percentage of Lot Coverage: principal and accessory buildings shall not cover more than 50% of the lot.

Yards Required:

Front yard: the front yard building setback line for all buildings and accessory buildings shall be a minimum of 25 feet from any existing right-of-way line of any street or road

Side yard: 5'

Rear yard: 25 feet

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan : See Section 614.

500.1.6 (AG) AGRICULTURAL ZONE

Purpose: The purpose of this district is to conserve land for agricultural use, to prevent the premature development of land, and to prevent urban and agricultural land use conflicts. It is the intent of this Code to prevent disorderly scattering of residences on small lots and to prevent the establishment of other urban land uses that would require unreasonable expenditures for public improvements and services.

Permitted Uses:

1. Agricultural uses, buildings and structures;
2. Single-family dwellings;
 - a) site-built homes,
 - b) modular homes,
 - c) manufactured homes
3. Ponds;
4. Horse farms, excluding stockyards, auction yards, slaughter facilities and feedlots; see Chapter 4 of the Code of Ordinances;
5. Manufactured Home Subdivision.

Permitted Accessory Uses and Structures: Accessory uses and structures are permitted in the agricultural zone; provided they are incidental to and do not substantially alter the

character of the permitted principal use or structure. Such permitted accessory uses and structures include the following:

1. Any accessory use or structure permitted in the R-1 Single-Family Residential District;
2. Other similar uses;

Uses Permitted by Special Exception:

1. Country club/golf course, driving range;
2. Radio and television transmission tower;
3. Riding academy or stable;
4. Veterinary hospital/clinic, permitting boarding of animals with indoor or outdoor runs.
5. Permitted buildings or structures in excess of 50 feet in height;
6. Funeral home, cemetery, mortuary, mausoleum, and crematorium;
7. Recreational vehicle campground park; - See Section 404.9
8. Privately owned and operated recreational facilities open to the public located on an arterial street and which do not sell alcoholic beverages (such as sports complexes)
9. Lumberyards;
10. Sale or repair of construction equipment or farm equipment.
11. Public/Quasi-Public uses, see Section 410.4

Lot Area and Dimensional Requirements: District development density not more than one (1) dwelling per acre (not including accessory apartments).

1. Lot area: a minimum of one (1) acre.
2. Front yard setback: the front yard building setback line shall be a minimum of 50 feet measured from the existing right-of-way line of any street or road.
3. Side yard setback: there shall be a minimum side yard setback of 25 feet as measured from the side lot line to the nearest building.
4. Rear yard setback: set back shall be a minimum of 25 feet, measured from the rear lot line to the nearest building.

Off-Street Parking and Loading Requirements: see Section 402.

Signs and Outdoor Advertising: see Section 403.

Landscape Plan: see Section 614.

500.2 HAINING ROAD INDUSTRIAL DISTRICT (2)

Intent: The Haining Road Industrial District is an industrial park, which includes the Port of Vicksburg. The Industrial Park was built on a hydraulic fill with access by highway, rail, and waterfront. This district is entirely heavy industrial in its land use patterns. It is the primary industrial center for the City of Vicksburg and Warren County. The majority of the area is within the 100-year flood plain. The primary thoroughfare is Haining Road. Because of its industrial nature, this neighborhood will have little architectural or landscaping standards applied to it.

500.2.1 (I-2) HEAVY INDUSTRIAL ZONE:

Purpose: The following uses shall be permitted, provided that they are not obnoxious or offensive due to the emission of noise, odor, dust, gas or vibrations or do not contain a nuisance:

Permitted Uses:

1. Lumberyards;
2. Bakeries, wholesale;
3. Manufacturing Plants;
4. Refrigerating plants;
5. Laboratories;
6. Millwork and cabinet making;
7. Steel distributors and warehouses;
8. Railroad depot, passenger and freight;
9. Television and radio broadcasting transmitters and/or towers;
10. Truck terminals, truck and trailer service;
11. Warehouse or storage buildings;
12. Water distillation;
13. Drilling, boring equipment, supplies and services;
14. Foundries, furnaces (industrial), iron works;
15. Millwork and flooring processing;
16. Sawmills;
17. Retail sale of any commodity manufactured, processed, fabricated or warehoused only on the premises, and equipment, supplies and materials designed especially for use in agriculture, mining, industry, business, transportation, building and other construction.
18. LI Light Industrial Uses.

Uses Permitted by Special Exception: (plus L-1 Special Exception uses)

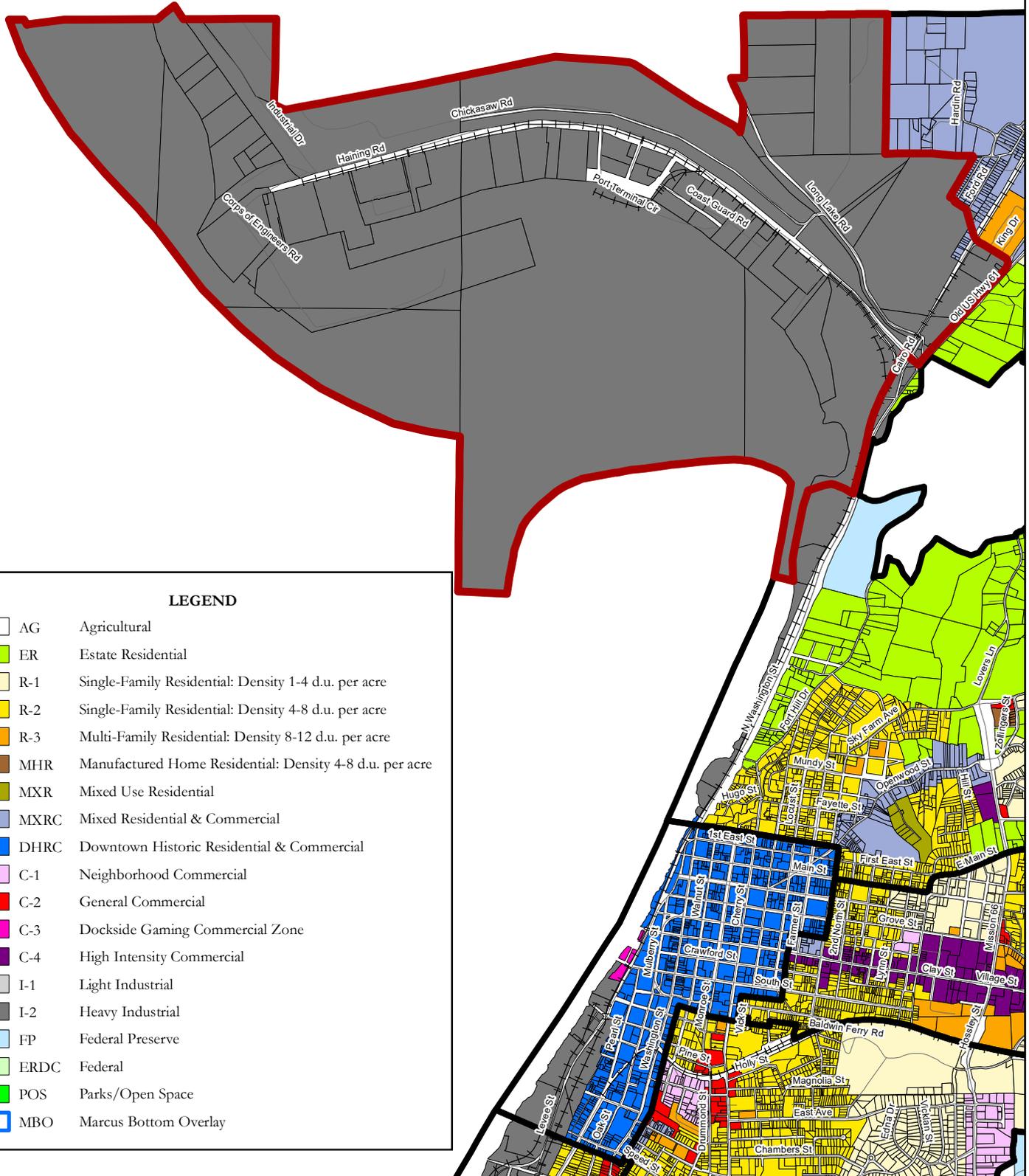
1. Abattoirs or slaughter houses;
2. Acid manufacturing, such as hydrochloric, nitric and sulfuric; battery manufacturing;
3. Aggregate plants and operations;
4. Cement, lime, gypsum or plaster of paris manufacturing;
5. Distillation of bones;

City of Vicksburg

Zoning Map

Haining Rd Industrial District

Neighborhood District 2



LEGEND

- AG Agricultural
- ER Estate Residential
- R-1 Single-Family Residential: Density 1-4 d.u. per acre
- R-2 Single-Family Residential: Density 4-8 d.u. per acre
- R-3 Multi-Family Residential: Density 8-12 d.u. per acre
- MHR Manufactured Home Residential: Density 4-8 d.u. per acre
- MXR Mixed Use Residential
- MXRC Mixed Residential & Commercial
- DHRC Downtown Historic Residential & Commercial
- C-1 Neighborhood Commercial
- C-2 General Commercial
- C-3 Dockside Gaming Commercial Zone
- C-4 High Intensity Commercial
- I-1 Light Industrial
- I-2 Heavy Industrial
- FP Federal Preserve
- ERDC Federal
- POS Parks/Open Space
- MBO Marcus Bottom Overlay

6. Explosives manufacturing or storage;
7. Fat rendering;
8. Fertilizer manufacturing;
9. Garbage or waste reduction, except for municipal incinerators; garbage or waste transfer station;
10. Gas manufacturing; natural gas/ propane bulk storage, distribution center;
11. Glue manufacturing;
12. Petroleum refining or storage;
13. Smelting of tin, copper, zinc, or iron ores; steel production;
14. Stockyards and stock auction barns;
15. Storage or baling of rags, paper, iron or junkyards;
16. Pulp or paper mills;
17. Cereal mills; feed processing;
18. Chemical plants;
19. Food processing; canneries; bottling works;
20. Flour mills;
21. Grain elevators;
22. Killing, dressing and storage of poultry;
23. Recycling centers;
24. Truck stop;
25. Public/Quasi-Public uses

Lot Area and Dimensional Requirements:

1. Minimum lot area: 2 acres.
2. Front yard setback: 100'
3. Side yard setback: 25'
4. Rear yard setback: same as side yard.

Parking: see Section 402.

Signs: see Section 403.

500.3 MARTIN LUTHER KING DISTRICT (3)

Intent: This neighborhood can be characterized as a densely developed area with residential areas comprising almost the entire neighborhood. Scattered throughout the area are vacant tracts of land that are subject to severe slope and in some cases, soil instability. One goal of this neighborhood is to replace dilapidated housing with housing in good condition and to fill in vacant lots with structures that are architecturally compatible with the neighborhood. Another goal is that Martin Luther King Drive, which begins as a commercial area at Jackson Street, should be a mixed residential and commercial district up to the old Kuhn Memorial Hospital.

500.3.1 (R-1) SINGLE-FAMILY RESIDENTIAL ZONE:

Purpose: The purpose of this land use classification is to promote the development of single-family detached dwellings on relatively large lots of at least 10,000 square feet. The maximum density is 4 dwelling units per acre.

Uses Permitted:

1. Site-built, single-family dwellings and accessory structures – 1 per parcel

Uses Permitted by Special Exception:

1. Public or quasi public uses - see Section 404.5

Lot Area and Dimensional Requirements:

Required Lot Area and Lot Width: Every dwelling shall be located on minimum lot of not less than ten thousand (10,000) square feet in area and shall have a width determined at the building setback line of not less than seventy (70) feet.

Percentage of Lot Coverage. Buildings, including accessory structures, shall not cover more than forty-five (45) percent of the area of any lot.

Yards Required:

- (1) **Front yards.** The front yard building setback line shall be a minimum of thirty (30) feet from any existing right-of-way line of any street or road, including those shown on the City of Vicksburg Major Thoroughfare Plan.
- (2) **Side yards.** There shall be a minimum side yard of ten (10) feet on each side of any structure, measured from the side lot line to the nearest building.
- (3) **Rear yards.** There shall be a minimum rear yard setback of not less than ten (10) feet.
- (4) **Yards of public or quasi-public buildings.** All public or semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of fifty (50) feet from the respective lot line.
- (5) **Accessory structures:** 5 foot setback. One structure per lot.

City of Vicksburg

Zoning Map

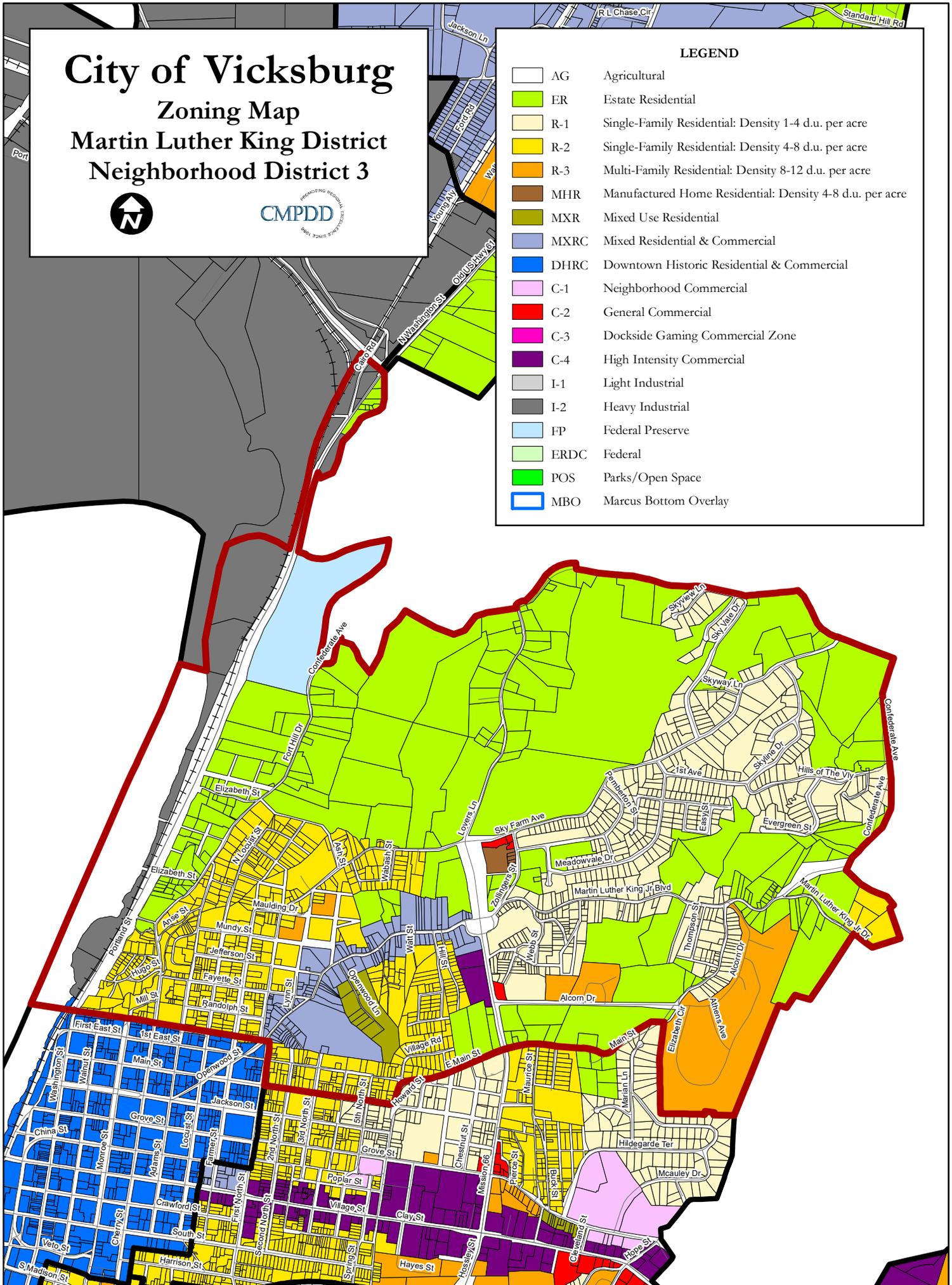
Martin Luther King District

Neighborhood District 3



LEGEND

	AG	Agricultural
	ER	Estate Residential
	R-1	Single-Family Residential: Density 1-4 d.u. per acre
	R-2	Single-Family Residential: Density 4-8 d.u. per acre
	R-3	Multi-Family Residential: Density 8-12 d.u. per acre
	MHR	Manufactured Home Residential: Density 4-8 d.u. per acre
	MXR	Mixed Use Residential
	MXRC	Mixed Residential & Commercial
	DHRC	Downtown Historic Residential & Commercial
	C-1	Neighborhood Commercial
	C-2	General Commercial
	C-3	Dockside Gaming Commercial Zone
	C-4	High Intensity Commercial
	I-1	Light Industrial
	I-2	Heavy Industrial
	FP	Federal Preserve
	ERDC	Federal
	POS	Parks/Open Space
	MBO	Marcus Bottom Overlay



- (6) Height requirements: determined by the city's building code.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: see Section 614.

500.3.2 (R-2) SINGLE-FAMILY RESIDENTIAL ZONE:

Purpose: to provide for the development of single-family detached dwellings on moderate-sized lots of at least 5,000 square feet, yielding a density range of 4 to 8 dwelling units per acre.

Permitted Uses:

Site-built Single-family dwellings and accessory structures.

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses, see Section 404.5

Lot Area and Dimensional Requirements:

Required Lot Area and Lot Width: Every dwelling shall be located on a single lot of not less than five thousand (5,000) square feet in area and shall have a width determined at the building setback line of not less than fifty (50) feet.

Percentage of Coverage: Buildings, including accessory buildings and structures, shall not cover more than forty (40) percent of the area of any lot.

Yards Required:

- (1) Front yards. For new subdivisions, the front yard building setback shall be a minimum of twenty-five (25) feet from any existing right-of-way line of any street or road, including those shown on the City of Vicksburg Major Thoroughfare Plan. In existing neighborhoods, the building must be sited on the lot to have the same front yard setback as other buildings on the street.
- (2) Side yard. There shall be a minimum side yard of five (5) feet on each side of any structure, measured from the side lot line to the nearest building or structure.
- (3) Rear yards. There shall be a minimum rear yard setback of not less than five (5) feet.
- (4) Yards for public and semipublic buildings. All public and semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of thirty (30) feet from any lot line.

- (5) Accessory Structures. Five foot setback from lot lines. One structure per lot.

Parking: See Section 402.

Signs: See Section 403.

Landscape Plan : see Section 614.

Height Requirements: Determined by building code.

500.3.3 (ER) ESTATE RESIDENTIAL ZONE:

Purpose: to provide for and maintain large lot, low-density residential development offering desirable amenities such as rural character, views, and open spaces.

Land Uses Permitted:

1. Site-built single-family detached dwellings with only one (1) dwelling per acre.
 - a) site-built homes,
 - b) modular homes,
 - c) manufactured.
2. Accessory uses and structures associated with the use of land for residential purposes.
3. Home occupations in compliance with Section 404.

Uses Permitted by Special Exceptions:

1. Public/Quasi-Public facilities and utilities - See Section 410.4;
2. Child care facilities

Lot Area and Dimensional Requirements:

Minimum Lot Area: One acre.

Minimum Lot Width: 150 feet.

Minimum Yards:

1. Front yard: 35 feet from the existing or proposed street right-of-way line to the building setback line.
2. Side yards: 10 feet
3. Rear yard: 25 feet

Swimming Pools: Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of ten 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. Fencing shall be at least four (4) feet high and shall have a self-latching gate.

Off-Street Parking Requirements: See Section 402.

Signs: See Section 403.

Landscape Plan: see Section 614.

500.3.4 (MXRC) MIXED USE RESIDENTIAL AND COMMERCIAL ZONE:

Purpose: To provide for mixed residential and commercial uses along major thoroughfares.

Permitted Uses:

1. Site-built single-family dwellings, modular homes, manufactured homes, and accessory structures – 1 per parcel;
2. Two-family or duplex dwellings;
3. Retail shops, such as antique shops, apparel stores, florist shops, hardware stores, grocery stores, drugstores, bakery shops, etc.;
4. Offices and/or office buildings, which include, but are not limited to, privately owned medical or dental clinics;
5. Shoe repair shops and similar service establishments;
6. Custom sign painting shops – no outdoor storage or painting;
7. Full Service Restaurant;
8. Fast Food Restaurant;
9. Business and professional offices which include, but are not limited to, privately owned medical or dental clinics;
10. Convenience stores;
11. Studios of artists or photographers;
12. Institutions of educational, philanthropic or eleemosynary nature other than those of a correctional nature or for mental care;
13. Personal service shops for barbering, beauty culture or physical culture; health club, fitness center;
14. Monastery, convent or similar institution of religious training;
15. Bakery shops;
16. Auto detailing;
17. Carpet and upholstery cleaning service;
18. Laundries;
19. Tire sales, installation and repair;
20. Plumbing sales, retail, and wholesale, and repair services; air conditioning and heating sales and service;
21. Radio and television sales, and repair services;
22. Class B Child Care Facilities to permitted uses.

Uses Permitted by Special Exception (requires review and public hearing):

1. Public/Quasi-Public Uses, see Section 410.4
2. Personal care homes
3. Boarding house
4. Tourist homes – See Definitions Section re: Bed and Breakfast/Tourist Home.

Requires site plan review and historic review.

Lot area and Dimensional Requirements:

Lot area and lot width: No minimum lot required.

Dimensional Requirements:

Front yard: The front yard building setback line shall be governed by the setbacks of surrounding buildings. New development would be governed by existing neighborhood character, nearby building setbacks, rights-of-way, lines of sight. The Zoning Administrator shall use his discretion to determine an appropriate front setback.

Side yard: There shall be a minimum side yard of 5 feet on each side of any single-family structure, measured from the side lot line to the nearest vertical bearing point of building(refer to a graphic). Commercial uses require 25 foot side yards.

Rear yard: There shall be a minimum setback of not less than 10 feet. Setback for accessory structures is five feet from lot line.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: see Section 614.

See Viewshed Ordinance:

500.4 DOWNTOWN HISTORIC VICKSBURG DISTRICT (4)

Intent: This district is centrally located adjacent to the Yazoo Diversionary Canal. This business district is intended to provide for establishments engaged in retail, financial, professional, and related services, including some forms of wholesale enterprises which, because of the particular nature of their business, require a centralized location in the downtown area to best serve the community. Generally, no outdoor storage of materials, equipment, or machinery is allowed unless being offered for sale or rental and requiring outdoor storage.

The Downtown Historic District is established to provide shopping and living areas and to promote tourism. The district is to be walkable for shoppers, tourists, and residents. It is also the purpose of this district to promote a bikeable community. Another purpose is to enhance the historic qualities of the district. Those types of uses that enhance quality of life are encouraged here.

Furthermore, the Downtown Historic Vicksburg District is established to encourage the development of the downtown area as a major focal point of the city, to preserve the character of historic buildings within the district, to encourage the use of upper floors in the downtown area for residential uses, and to encourage the eventual eliminating of uses detrimental or inappropriate to the proper functioning of such a district.

500.4.1 (DHRC) MIXED USE RESIDENTIAL AND COMMERCIAL ZONE

Purpose: To provide for mixed residential and commercial uses along major streets in the downtown area.

Permitted uses:

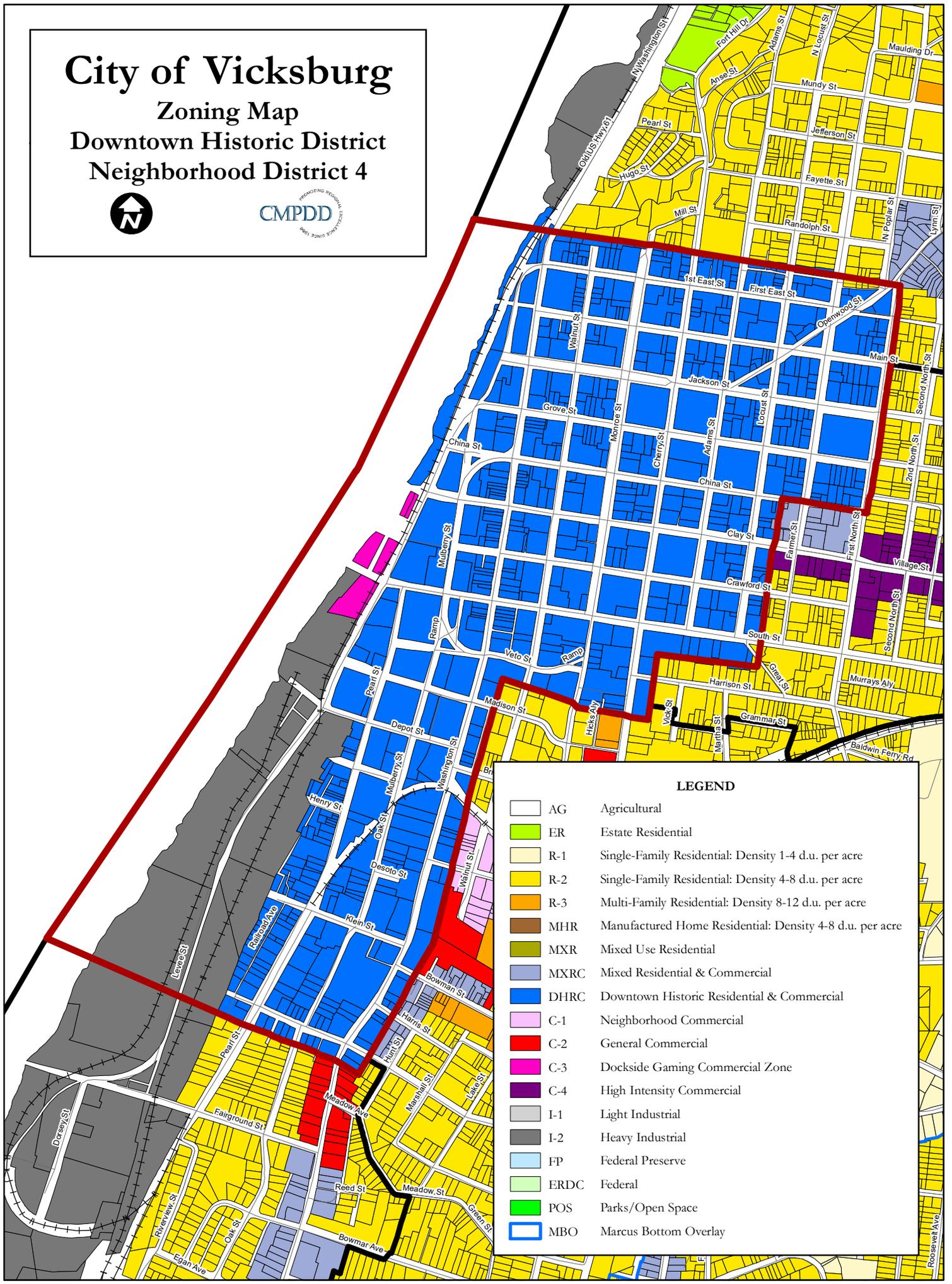
1. Single-family residential dwelling and accessory structures – 1 per parcel
2. Two-family or duplex dwellings
3. Multifamily Residential (High-rise – defined in City of Vicksburg building code)
4. Retail stores/shops e.g. specialty, bakery, drugs, convenience stores
5. Offices and/or office buildings, which include, but are not limited to, privately owned medical or dental clinics
6. Shoe repair shops and similar service establishments
7. Upper floor apartments
8. Full Service Restaurant
9. Fast Food Restaurant – no drive-thru
10. Personal service shops for barber, beauty shops, nail salons,
11. Home furnishing sales, rental and repair
12. Music and instrument sales
13. Appliance sales, rental and repair
14. Office and business equipment and supply sales, rental and repair
15. Garage, public; public parking lot

City of Vicksburg

Zoning Map

Downtown Historic District

Neighborhood District 4



LEGEND

- | | | |
|--|------|--|
| | AG | Agricultural |
| | ER | Estate Residential |
| | R-1 | Single-Family Residential: Density 1-4 d.u. per acre |
| | R-2 | Single-Family Residential: Density 4-8 d.u. per acre |
| | R-3 | Multi-Family Residential: Density 8-12 d.u. per acre |
| | MHR | Manufactured Home Residential: Density 4-8 d.u. per acre |
| | MXR | Mixed Use Residential |
| | MXRC | Mixed Residential & Commercial |
| | DHRC | Downtown Historic Residential & Commercial |
| | C-1 | Neighborhood Commercial |
| | C-2 | General Commercial |
| | C-3 | Dockside Gaming Commercial Zone |
| | C-4 | High Intensity Commercial |
| | I-1 | Light Industrial |
| | I-2 | Heavy Industrial |
| | FP | Federal Preserve |
| | ERDC | Federal |
| | POS | Parks/Open Space |
| | MBO | Marcus Bottom Overlay |

16. Theater (indoor)
17. Hotel or motel
18. Service stations (without repair or service facilities)
19. Convenience stores
20. Banks
21. Child care facility Class B
22. Museum
23. Retirement homes
24. Gymnasiums

Uses permitted by special exception:

1. Public/Quasi-Public uses, see Section 410.4
2. Institutions of educational, philanthropic or eleemosynary nature other than those of correctional type
3. Tourist Homes

Prohibited Uses:

1. Nightclubs
2. Adult uses
3. Tattoo parlors
4. Cash for title businesses
5. Check cashing businesses
6. Fortune telling, palm reading,
7. Massage parlors

Dimensional Requirements:

Front yard: Refer to the Historic Vicksburg Design Review Guidelines.

Side yard: Refer to the Historic Vicksburg Design Review Guidelines.

Rear yard: Refer to the Historic Vicksburg Design Review Guidelines.

Parking: see Section 402.

Signs: Refer to the Historic Vicksburg Design Review Guidelines.

Landscape Plan: see Section 614.

500.4.2 (C-3) DOCKSIDE GAMING COMMERCIAL ZONE

Purpose: To provide for dockside gaming and casinos in appropriate downtown locations.

Permitted Uses:

1. Dockside gaming, see Dockside Gaming Ordinance.
2. Professional offices.

Uses Permitted by Special Exception:

1. Public Quasi-public uses, see Section 410.4

Dimensional Requirements:

Height Limit: Maximum 65 feet or in accordance with the adopted building code, whichever is less.

Front yard: 75 feet.

Side yards: 25 feet.

Rear yards: 50 feet.

Yards for public and semipublic buildings: All public and semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

Landscape Plan: See Section 614.

Signs: See Section 403.

Parking: See Section 402.

500.4.3 (I-2) HEAVY INDUSTRIAL ZONE.

Purpose: The following uses shall be permitted, provided that they are not obnoxious or offensive due to the emission of noise, odor, dust, gas or vibrations or do not contain a nuisance:

Uses permitted by special exception.

1. Public/Quasi-Public uses
2. Storage facility (grain elevators)
3. Lumber processing plant
4. Welding fabrication and supplies
5. Cotton gin

Lot area and Dimensional Requirements: A minimum lot size of one (1) acre.

Yards required:

1. Front yards. None.
2. Side yards. None.
3. Rear yards. None.
5. Building height. None.

Parking: see Section 402.

Signs: Refer to the Historic Vicksburg Design Review Guidelines.

Landscape Plan: see Section 614.

500.5 WEST CLAY DISTRICT (5)

Intent: This area is characterized by mostly residential structures with architectural styles dating back to the early 1800's. Land uses vary with the majority of commercial activities taking place along Clay Street. The intent is to maintain the approximate mix of residential and commercial uses. The architectural styles of new development should be compatible with that of existing development with no metal exterior structures allowed. Sidewalks are encouraged to be built to make this district more pedestrian friendly and walkable.

500.5.1 (R-1) SINGLE-FAMILY RESIDENTIAL ZONE:

Purpose: The purpose of this land use classification is to promote the development of single-family detached dwellings on relatively large lots of at least 10,000 square feet. The maximum density is 4 dwelling units per acre.

Uses permitted.

1. Single-family dwellings and accessory structures – 1 per parcel
 - a) Site-built homes
 - b) Modular homes
 - c) Manufactured homes

Uses permitted by special exception:

1. Public/Quasi-Public uses - see Section 410.4

Lot Area and Dimensional Requirements:

Required lot area and lot width. Every dwelling shall be located on minimum lot of not less than ten thousand (10,000) square feet in area and shall have a width determined at the building setback line of not less than seventy (70) feet.

Percentage of lot coverage. Buildings, including accessory structures, shall not cover more than forty-five (45) percent of the area of any lot.

Building Height: Determined by Building Code

Yards required.

- (1) Front yards. The front yard building setback line shall be governed by the front setbacks of surrounding buildings. New development setbacks would be governed by, the existing neighborhood character, nearby building setbacks, easements, rights-of-way, lines of sight. The Zoning Administrator shall use his discretion in determining the front setback.
- (2) Side yards. There shall be a minimum side yard of ten (10) feet on each side of any structure, measured from the side lot line to the nearest building.
- (3) Rear yards. There shall be a minimum rear yard setback of not less than ten (10) feet.

- (4) Yards of public or quasi-public buildings. All public or semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of fifty (50) feet from the respective lot line.

Signs: see Section 403.

500.5.2 (R-2) TWO-FAMILY RESIDENTIAL ZONE

Purpose: The purpose of this zone is to provide for the development of single-family detached dwellings on moderate-sized lots of at least 5,000 square feet, yielding a density range of 4 to 8 dwelling units per acre.

Permitted Uses:

1. Single-family site built dwelling and accessory structures – 1 per parcel

Uses Permitted By Special Exception:

1. Public/Quasi-Public uses, see Section 404.5

Lot Area and Dimensional Requirements:

Required lot area and lot width: every dwelling shall be located on a single lot of not less than 5,000 sq. ft. in area and shall have a width determined at the building setback line of not less than 50 feet.

Percentage of lot coverage: Not more than 35 percent of the area of any lot.

Yards Required:

Front yard: For new subdivisions, the front yard building setback shall be a minimum of fifteen (15) feet from any existing right-of-way line of any street or road, including those shown on the City of Vicksburg Major Thoroughfare Plan. In existing neighborhoods, the building must be sited on the lot to have the same front yard setback as other buildings on the street or road, including those shown on the City of Vicksburg Major Thoroughfare Plan.

Side yard: There shall be a minimum side yard of 5 feet on each side of any structure, measured from the side lot line to the nearest building.

Rear yard: There shall be a minimum of 5 feet.

Accessory Structures: One per lot and which shall be at least 5 feet from the property line.

Yards of public or quasi-public buildings: All public or semi-public buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of 50 feet from the respective lot line.

Signs: see Section 403.

500.5.3 R-3 MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3)

Purpose: 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) residential districts and higher intensity uses, such as commercial uses or light industrial (I-1) uses, that are not compatible with lower density residential environment. Multiple Family Residential districts (R-3) shall have access directly only streets/highways that are classified as principal arterials or minor arterials on the adopted Thoroughfares Plan; such access shall not be provided by means of a driveway through land zoned for other purposes or by means of a driveway through other property that is not a part of the proposed multi-family development.

All multi-family residential uses shall be property landscaped and screened from other uses and access/egress to apartment or condominium complexes shall be provided in accordance with Section 614 Landscaping.

Entrances to all units must be through an interior hallway. No outside entrance will be allowed excluding patio entrances on ground floors.

Permitted Uses: The following uses are permitted outright in the R-3 districts subject to the regulations prescribed herein.

1. Multi-family dwellings including apartments and condominiums as defined in the Definitions Section of this ordinance – new.
2. Accessory uses or structures in multi-family residential complexes, including laundromats, vending machine center, recreational buildings, swimming pools, tennis courts, and similar uses and structures incidental to multi-family buildings. Such uses and structures shall be reserved exclusively for use by residents of the multi-family complex.

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses, see Section 410.4

2. Railroad and railroad spur tracks

Lot Area and Dimensional Requirements for All Multi-Family Uses:

Minimum lot area: Five (5) acres, but not more than 20 acres and not adjacent to existing or proposed multi-family housing.

Maximum Density: Ten (10) dwelling units per gross acre.

Minimum Lot Width: 200 feet at the required building setback line.

Percentage of lot coverage: Not more than 40 percent of the area of any lot.

Minimum Yards:

1. Front yard: 50 feet with a 25 foot landscape buffer.
2. Side and rear yard: 50 with a 25 foot landscape buffer.
3. Minimum space between buildings: 30 feet.

Requirements for Off-Street Parking and Loading Requirements: See Section 402. .

Signs: See Section 403.

Site Plan Required: The developer of any apartment or condominium complex shall submit a site plan to the Community Development Department in accordance with Section 612 his ordinance.

Required Open Space Reservation for All Multi-Family Residential Developments: A minimum of 30 percent 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. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the apartments or condominiums. The sit plan shall include the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities. On-site maintenance, management and security is required.

Maximum Amount of Common Open Space Covered by Water: No more than 50 percent of the required amount of open space may be covered by lakes or ponds.

Steep Slopes: In reviewing the preliminary subdivision plat for a proposed apartment or condominium complex, the Planning and Zoning Commission shall determine if any land containing slopes of 12 percent 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 Site Plan and Preliminary Plat Review Committee shall make a decision as to whether or not any steep sloped land should be approved for use in meeting the requirements of this Section.

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 Site Plan and Preliminary Plat Review Committee as part of the site plan review process. All open space improvements shall be shown on the site plan. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

Staged Development of a Multi-Family Residential Development:

If a multi-family residential development is to be developed in stages or parts, 30 percent of the gross site area of each part shall be reserved for open space.

Required Landscaping Along Arterial Streets: Developers of multi-family residential uses in R-3 zones shall comply with the Landscaping Chapter 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 or child care facilities shall also comply with Section 606.

Water and Sewer Connections: The City of Vicksburg utilities will notify developer of water and sewer connections and type of meters.

Dumpster Ordinance: See Section 11-117(c).

Signs: see Section 403.

Landscape Plan: see Section 614.

500.5.4 (MXR) MIXED RESIDENTIAL ZONE

Purpose: To provide for mixed residential and commercial uses along major thoroughfares.

Permitted Uses:

1. Single-family site built dwelling and accessory structures, including manufactured homes and modular homes – 1 per parcel
2. Two-family or duplex dwellings
3. Multifamily Residential – new structures (See R3 zone)

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses, see Section 410.4
2. Personal service shops for barber shop, beauty salons, and nail salons

Lot area and Dimensional Requirements: minimum lot of not less than 5,000 sq. ft. in area for single-family dwellings and shall have a width determined at the building setback line of not less than 50 feet.

Every two-family or duplex residences shall be located on a lot or lots of not less than 8,000 square feet in area and shall have a width determined at the building setback line of not less than 50 feet.

Yards Required:

Front yard: For new subdivisions, the front yard building setback shall be a minimum of fifteen (15) feet from any existing right-of-way line of any street or road, including those shown on the City of Vicksburg Major Thoroughfare Plan. In existing neighborhoods, the building must be sited on the lot to have the same front yard setback as other buildings on the street or road, including those shown on the City of Vicksburg Major Thoroughfare Plan. The setback shall be determined by using an average of nearby front yards.

Side yard: 5 feet. Where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 10 feet. Where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: see Section 614.

500.8.4 (C-1) NEIGHBORHOOD COMMERCIAL

Purpose: To provide for low intensity commercial uses on major streets near residential neighborhoods. These uses do not generate high volumes of traffic and generally serve the neighborhood's residents. The character of such uses is that they are to be compatible with the residential nature of the area.

Permitted Uses:

1. Professional office space: law, medical, engineering, architecture, accounting, insurance, real estate, information technology, etc.
2. Limited retail, service, and restaurant uses:

Uses Permitted by Special Exception:

1. Public/Quasi-public uses.

Required Lot Area and Lot Width: No restrictions.

Percentage of Lot Coverage: No restrictions.

Yards required:

Front Yard: 20 feet

Side Yard: 10

Rear Yard: 15

Parking: See Section 402

Signs: See Section 403

Landscaping: See Section 614

500.5.5 (C-2) GENERAL COMMERCIAL ZONE

Purpose: The purpose of this zoning district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility along West Clay Street. The intent in this district, because of its location, is to discourage outdoor sales and service.

Permitted Uses:

1. Retail stores
2. Minor service stations including vehicle repairs (except body repairs), provided that all vehicle repairs except those of 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.
3. Convenience stores without fuel pumps
4. Shoe repair shop or similar service establishment
5. Banks
6. Class B child care facilities
7. Laundromats/washateria and dry cleaners
8. Cleaning and laundry pick-up station
9. Hotels, motels
10. Full service restaurants
11. Fast Food Restaurants
12. Indoor recreational uses including skating rinks, bowling alleys, arcades & similar uses

13. Business & professional offices which include, but are not limited to, privately owned medical or dental clinics
14. Pharmacy
15. Studios of artists or photographers
16. Personal service establishments for barber shops, beauty shops or health; health club, fitness center;
17. Pet shops (provided there are no runs or kennels)
18. Carpet and upholstery cleaning service
19. Plumbing sales, retail, and wholesale, and repair services; air conditioning/heating sales and service – No outdoor storage
20. Radio and television sales, and repair services
21. Grocery stores
22. Farm supply and feed store;
23. Commercial printing establishments, newspaper publishing and specialty printing providing that the business is conducted in an enclosed building and does not require outside storage of materials or products;
24. Shopping centers located on minimum sites of one (1) acre on an existing or proposed arterial street;
25. Carwashes/vacuum cleaner stations and quick car care clinics (lubrication, tune-up, etc.);
26. Free-standing “game rooms,” for electronic video games, pool tables, arcades, etc.;

Uses Permitted by Special Exception:

1. Major automotive repair services: all operations shall be conducted within an enclosed building, all damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from surrounding property or from any adjoining public street or walkway, in accordance with Section 11-67 Required security screening of the Code of Ordinances of Vicksburg, as amended. No damaged or wrecked vehicles shall be stored for purposes other than repair and shall not constitute a vehicle wrecking, dismantling, or impounding yard, or junk or salvage;
2. Yard and garden centers, nurseries, and greenhouse operations;
3. Public/Quasi-Public facilities and utilities - See Section 404.5;
4. Tattoo parlor;
5. Pawn Shops;
6. Cash for title shops;
7. New Automobile sales, service and repair; watercraft and motorcycle sales service and repair on lots of not less than one (1) acre;
8. Convenience stores with fuel pumps.

Required Lot Area and Lot Width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Yards Required:

Front yard: The building must be sited on the lot to have the same setback as other buildings on the street. Use an average setback if buildings have different setbacks.

Side yard: 5 feet. Where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 25 feet. Where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: see Section 614.

500.5.6 (C-4) HIGH INTENSITY COMMERCIAL ZONE

Purpose: The purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility along West Clay Street.

Permitted Uses:

1. Drugstores
2. Grocery stores
3. Bakery shops
4. Service stations including minor vehicle repairs (except body repairs), provided that all vehicle repairs except those of 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
5. Convenience/grocery stores with or without fuel pumps
6. Shoe repair shop or similar service establishment
7. Banks
8. Class B child care facilities
9. Florist shop
10. Washaterias/laundromats and dry cleaners
11. Cleaning and laundry pick-up station
12. Hotels, motels
13. Full service restaurants
14. Fast Food Restaurants
15. Indoor recreational uses including skating rinks, bowling alleys, arcades & similar uses

16. Business & professional offices which include, but are not limited to, privately owned medical or dental clinics
17. Institution for children or the aged, not including penal or correctional types
18. Studios of artists or photographers
19. Personal service shops for barbering, beauty culture or physical culture; health club, fitness center;
21. Animal hospitals and pet shops (provided there are no runs or kennels)
22. New Automobile sales, service and repair; watercraft and motorcycle sales service and repair on lots of not less than one (1) acre
23. Carpet and upholstery cleaning service
24. Plumbing sales, retail, and wholesale, and repair services; air conditioning/heating sales and service
25. Radio and television sales, and repair services
26. Outdoor storage and display of products, equipment or materials normally sold outdoors and where the sale of said items are normally a part of the business operations on that property.
27. Commercial printing establishments, newspaper publishing and specialty printing providing that the business is conducted in an enclosed building and does not require outside storage of materials or products;
28. Shopping centers located on minimum sites of one (1) acre on an existing or proposed arterial street;
29. Carwashes/vacuum cleaner stations and quick car care clinics (lubrication, tune-up, etc.);
30. Cinema, movie theater
31. Photomats, laudromats;
32. Free-standing "game rooms," for electronic video games, pool tables, etc.;
33. Mini-storage buildings with a 2 acre minimum site;

Uses Permitted by Special Exception:

1. Nightclubs;
2. Construction equipment sales, repair and storage, farm equipment sales, repair and storage, Recreational vehicle sales, sales, repair and storage, Manufactured home sales, Building materials sales, automotive sales (used), or Heavy construction equipment sales and service, and similar types of outdoor sales, where some or all such materials are displayed outdoors or visible from streets or highways located on minimum sites of two (2) acre on an
3. Wireless Communication towers;
4. Public/Quasi-Public uses see Section 404.5;
5. Outdoor recreational and entertainment uses in which all or part of the activities are conducted out-of-doors, such as golf driving or putting courses, amusement parks, drive-in theaters, etc.;
6. Truck stops;
7. Veterinary clinics with outside dog runs;
8. Railroads and railroad spur tracks;

9. Farm and garden supply feed store, yard and garden centers, nurseries, and greenhouse operations;
10. Automotive repair services, major: all operations shall be conducted within an enclosed building, all damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from surrounding property or from any adjoining public street or walkway. No damaged or wrecked vehicles shall be stored for purposes other than repair and shall not constitute a vehicle wrecking, dismantling, or impounding yard, or junk or salvage;
11. Tattoo parlors, check cashing businesses, pawnshops, cash for title businesses, massage parlors, etc.

Required lot area and lot width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Percentage of lot coverage: principal and accessory buildings shall not cover more than 50% of the lot.

Yards Required:

Front yard: the front yard building setback line for all buildings and accessory buildings shall be a minimum of 25 feet from any existing right-of-way line of any street or road

Side yard: 5' required unless abutting a residential zone, in which case there shall be a side yard of 50 feet along said zone boundary.

Rear yard: There shall be a minimum of not less than 25 feet except where the rear yard abuts a residential zone, in which case there shall be a side yard of 50 feet along said zone boundary of which 25 feet has to be a landscaped buffer. Parking is not allowed in buffer yard.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: see Section 614.

500.6 EAST CLAY DISTRICT (6)

Intent: This area forms an entrance to the City of Vicksburg and should be an aesthetically pleasing gateway. The earliest structures in this district date back to the late 1940's. It the intent of this district to bring store fronts into proper scale with the Highway 61 Bypass, to require aesthetic features such as landscaping, use of brick rather than metal exterior building materials, better lighting in some areas, signage that is attractive and does not clutter roadway edges, and use of shared driveways where possible.

500.6.1 (ER) ESTATE RESIDENTIAL ZONE:

Purpose: to provide for and maintain large lot, low-density residential development offering desirable amenities such as rural character, views, and open spaces.

Land Uses Permitted:

2. Single-family detached dwellings with only one (1) dwelling per acre.
 - d) site-built homes,
 - e) modular homes,
 - f) manufactured.
2. Accessory uses and structures associated with the use of land for residential purposes.
3. Home occupations in compliance with Section 404.10.

Uses Permitted by Special Exceptions:

1. Public/Quasi-Public facilities and utilities - See Section 404.5;
2. Child care facilities

Lot Area and Dimensional Requirements:

Minimum Lot Area: One acre.

Minimum Lot Width: 150 feet.

Minimum Yards:

1. Front yard: 35 feet from the existing or proposed street right-of-way line to the building setback line.
2. Side yards: 10 feet
3. Rear yard: 25 feet

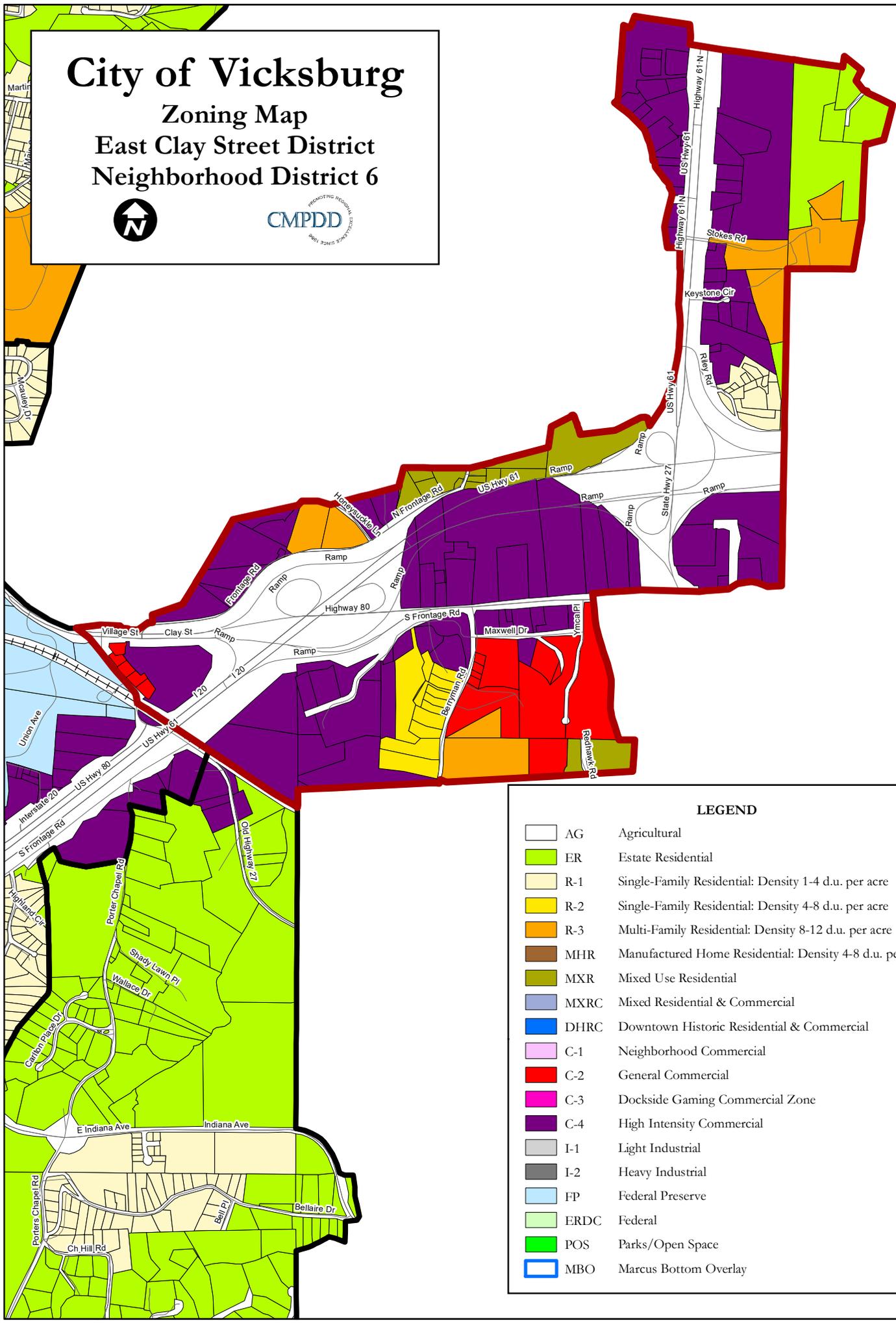
Swimming Pools: Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of ten feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fencing shall be at least four (4) feet high and shall have a self-latching gate.

City of Vicksburg

Zoning Map

East Clay Street District

Neighborhood District 6



LEGEND

- AG Agricultural
- ER Estate Residential
- R-1 Single-Family Residential: Density 1-4 d.u. per acre
- R-2 Single-Family Residential: Density 4-8 d.u. per acre
- R-3 Multi-Family Residential: Density 8-12 d.u. per acre
- MHR Manufactured Home Residential: Density 4-8 d.u. per acre
- MXR Mixed Use Residential
- MXRC Mixed Residential & Commercial
- DHRC Downtown Historic Residential & Commercial
- C-1 Neighborhood Commercial
- C-2 General Commercial
- C-3 Dockside Gaming Commercial Zone
- C-4 High Intensity Commercial
- I-1 Light Industrial
- I-2 Heavy Industrial
- FP Federal Preserve
- ERDC Federal
- POS Parks/Open Space
- MBO Marcus Bottom Overlay

Off-Street Parking Requirements: See Section 402.

Signs: See Section 403.

Landscape Plan: see Section 614.

500.6.2 (R-1) SINGLE-FAMILY RESIDENTIAL ZONE:

Purpose: The purpose of this land use classification is to promote the development of single-family detached dwellings on relatively large lots of at least 10,000 square feet. The maximum density is 4 dwelling units per acre.

Uses permitted.

2. Single-family Site-built dwellings and accessory structures – 1 per parcel
 - d) Site-built homes
 - e) Modular homes
 - f) Manufactured homes

Uses permitted by special exception:

2. Public/Quasi-Public uses - see Section 410.4

Lot Area and Dimensional Requirements:

Required lot area and lot width. Every dwelling shall be located on minimum lot of not less than ten thousand (10,000) square feet in area and shall have a width determined at the building setback line of not less than seventy (70) feet.

Percentage of lot coverage. Buildings, including accessory structures, shall not cover more than forty-five (45) percent of the area of any lot.

Building Height: Determined by Building Code

Yards required.

- (1) Front yards. The front yard building setback line shall be governed by the front setbacks of surrounding buildings. New development setbacks would be governed by, the existing neighborhood character, nearby building setbacks, easements, rights-of-way, lines of sight. The Zoning Administrator shall use his discretion in determining the front setback.
- (2) Side yards. There shall be a minimum side yard of ten (10) feet on each side of any structure, measured from the side lot line to the nearest building.
- (3) Rear yards. There shall be a minimum rear yard setback of not less than ten (10) feet.
- (4) Yards of public or quasi-public buildings. All public or semipublic

buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of fifty (50) feet from the respective lot line.

Signs: see Section 403.

500.6.3 (R-2) TWO-FAMILY RESIDENTIAL ZONE

Purpose: The purpose of this zone is to provide for the development of single-family detached dwellings on moderate-sized lots of at least 5,000 square feet, yielding a density range of 4 to 8 dwelling units per acre.

Permitted Uses:

1. Single-family site built dwelling and accessory structures – 1 per parcel

Uses Permitted By Special Exception:

3. Public/Quasi-Public uses, see Section 404.5

Lot Area and Dimensional Requirements:

Required lot area and lot width: every dwelling shall be located on a single lot of not less than 5,000 sq. ft. in area and shall have a width determined at the building setback line of not less than 50 feet.

Percentage of lot coverage: Not more than 35 percent of the area of any lot.

Yards Required:

Front yard: For new subdivisions, the front yard building setback shall be a minimum of fifteen (15) feet from any existing right-of-way line of any street or road, including those shown on the City of Vicksburg Major Thoroughfare Plan. In existing neighborhoods, the building must be sited on the lot to have the same front yard setback as other buildings on the street or road, including those shown on the City of Vicksburg Major Thoroughfare Plan.

Side yard: There shall be a minimum side yard of 5 feet on each side of any structure, measured from the side lot line to the nearest building.

Rear yard: There shall be a minimum of 5 feet.

Accessory Structures: One per lot and which shall be at least 5 feet from the property line.

Yards of public or quasi-public buildings: All public or semi-public buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of 50 feet from the respective lot line.

Signs: see Section 403.

500.6.4 R-3 MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3)

Purpose: 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) residential districts and higher intensity uses, such as commercial uses or light industrial (I-1) uses, that are not compatible with lower density residential environment. Multiple Family Residential districts (R-3) shall have access directly only streets/highways that are classified as principal arterials or minor arterials on the adopted Thoroughfares Plan; such access shall not be provided by means of a driveway through land zoned for other purposes or by means of a driveway through other property that is not a part of the proposed multi-family development.

All multi-family residential uses shall be property landscaped and screened from other uses and access/egress to apartment or condominium complexes shall be provided in accordance with Section 614 Landscaping.

Entrances to all units must be through an interior hallway. No outside entrance will be allowed excluding patio entrances on ground floors.

Permitted Uses: The following uses are permitted outright in the R-3 districts subject to the regulations prescribed herein.

1. Multi-family dwellings including apartments and condominiums as defined in the Definitions Section of this ordinance – new.
2. Accessory uses or structures in multi-family residential complexes, including laundromats, vending machine center, recreational buildings, swimming pools, tennis courts, and similar uses and structures incidental to multi-family buildings. Such uses and structures shall be reserved exclusively for use by residents of the multi-family complex.

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses, see Section 410.4

4. Railroad and railroad spur tracks

Lot Area and Dimensional Requirements for All Multi-Family Uses:

Minimum lot area: Five (5) acres, but not more than 20 acres and not adjacent to existing or proposed multi-family housing.

Maximum Density: Ten (10) dwelling units per gross acre.

Minimum Lot Width: 200 feet at the required building setback line.

Percentage of lot coverage: Not more than 40 percent of the area of any lot.

Minimum Yards:

1. Front yard: 50 feet with a 25 foot landscape buffer.
2. Side and rear yard: 50 with a 25 foot landscape buffer.
3. Minimum space between buildings: 30 feet.

Requirements for Off-Street Parking and Loading Requirements: See Section 402. .

Signs: See Section 403.

Site Plan Required: The developer of any apartment or condominium complex shall submit a site plan to the Community Development Department in accordance with Section 612 his ordinance.

Required Open Space Reservation for All Multi-Family Residential Developments: A minimum of 30 percent 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. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the apartments or condominiums. The sit plan shall include the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities. On-site maintenance, management and security is required.

Maximum Amount of Common Open Space Covered by Water: No more than 50 percent of the required amount of open space may be covered by lakes or ponds.

Steep Slopes: In reviewing the preliminary subdivision plat for a proposed apartment or condominium complex, the Planning and Zoning Commission shall determine if any land containing slopes of 12 percent 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 Site Plan and Preliminary Plat Review Committee shall make a decision as to whether or not any steep sloped land should be approved for use in meeting the requirements of this Section.

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 Site Plan and Preliminary Plat Review Committee as part of the site plan review process. All open space improvements shall be shown on the site plan. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

Staged Development of a Multi-Family Residential Development:

If a multi-family residential development is to be developed in stages or parts, 30 percent of the gross site area of each part shall be reserved for open space.

Required Landscaping Along Arterial Streets: Developers of multi-family residential uses in R-3 zones shall comply with the Landscaping Chapter 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 or child care facilities shall also comply with Section 606.

Water and Sewer Connections: The City of Vicksburg utilities will notify developer of water and sewer connections and type of meters.

Dumpster Ordinance: See Section 11-117(c).

Signs: see Section 403.

Landscape Plan: see Section 614.

500.6.5 (MXR) MIXED USE RESIDENTIAL ZONE

Purpose: To provide for mixed residential and commercial uses along major thoroughfares.

Permitted Uses:

1. Single-family dwelling and accessory structures – 1 per parcel
2. Manufactured homes, subdivisions, see Section 405 for guidelines;
3. Two-family or duplex dwellings
4. Multifamily Residential (must follow guidelines in Section R-3)

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses, see Section 410.4
2. Personal care homes, ambulatory only

3. Tourist homes

Required Lot Area and Lot Width: No minimum lot size.

Every two-family or duplex residences shall be located on a lot or lots of not less than 6,000 square feet in area and shall have a width determined at the building setback line of not less than 50 feet.

Yards Required:

Front yard: For new subdivisions, the front yard building setback shall be a minimum of fifteen (15) feet from any existing right-of-way line of any street or road, including those shown on the City of Vicksburg Major Thoroughfare Plan. In existing neighborhoods, the building must be sited on the lot to have the same front yard setback as other buildings on the street or road, including those shown on the City of Vicksburg Major Thoroughfare Plan. The setback shall be determined by using an average of nearby front yards.

Side yard: There shall be a minimum side yard of 5 feet on each side of any single-family structure, measured from the side lot line to the nearest building vertical face.

Rear yard: There shall be a minimum of not less than 5 feet.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: see Section 614.

500.6.6 (C-2) GENERAL COMMERCIAL ZONE

Purpose: The purpose of this zoning district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility along East Clay Street. The intent in this district, because of its location, is to discourage outdoor sales and service.

Permitted Uses:

1. Retail stores
2. Minor service stations including vehicle repairs (except body repairs), provided that all vehicle repairs except those of 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.
3. Convenience stores without fuel pumps
4. Shoe repair shop or similar service establishment

5. Banks
6. Class B child care facilities
7. Laundromats/washateria and dry cleaners
8. Cleaning and laundry pick-up station
9. Hotels, motels
10. Full service restaurants
11. Fast Food Restaurants
12. Indoor recreational uses including skating rinks, bowling alleys, arcades & similar uses
13. Business & professional offices which include, but are not limited to, privately owned medical or dental clinics
14. Pharmacy
15. Studios of artists or photographers
16. Personal service establishments for barber shops, beauty shops or health; health club, fitness center;
17. Pet shops (provided there are no runs or kennels)
18. Carpet and upholstery cleaning service
19. Plumbing sales, retail, and wholesale, and repair services; air conditioning/heating sales and service – No outdoor storage
20. Radio and television sales, and repair services
21. Grocery stores
22. Farm supply and feed store;
23. Commercial printing establishments, newspaper publishing and specialty printing providing that the business is conducted in an enclosed building and does not require outside storage of materials or products;
24. Shopping centers located on minimum sites of one (1) acre on an existing or proposed arterial street;
25. Carwashes/vacuum cleaner stations and quick car care clinics (lubrication, tune-up, etc.);
26. Free-standing “game rooms,” for electronic video games, pool tables, arcades, etc.;

Uses Permitted by Special Exception:

1. Major automotive repair services: all operations shall be conducted within an enclosed building, all damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from surrounding property or from any adjoining public street or walkway, in accordance with Section 11-67 Required security screening of the Code of Ordinances of Vicksburg, as amended. No damaged or wrecked vehicles shall be stored for purposes other than repair and shall not constitute a vehicle wrecking, dismantling, or impounding yard, or junk or salvage;
2. Yard and garden centers, nurseries, and greenhouse operations;
3. Public/Quasi-Public facilities and utilities - See Section 404.5;
4. Tattoo parlor;
5. Pawn Shops;
6. Cash for title shops;

7. New Automobile sales, service and repair; watercraft and motorcycle sales service and repair on lots of not less than one (1) acre;
8. Convenience stores with fuel pumps.

Required Lot Area and Lot Width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Yards Required:

Front yard: The building must be sited on the lot to have the same setback as other buildings on the street. Use an average setback if buildings have different setbacks.

Side yard: 5 feet. Where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 25 feet. Where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: see Section 614.

500.6.7 (C-4) HIGH INTENSITY COMMERCIAL ZONE

Purpose: The purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility along East Clay Street.

Permitted Uses:

1. Drugstores
2. Grocery stores
3. Bakery shops
4. Service stations including minor vehicle repairs (except body repairs), provided that all vehicle repairs except those of 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
5. Convenience/grocery stores with or without fuel pumps
6. Shoe repair shop or similar service establishment
7. Banks

8. Class B child care facilities
9. Florist shop
10. Washaterias/laundromats and dry cleaners
11. Cleaning and laundry pick-up station
12. Hotels, motels
13. Full service restaurants
14. Fast Food Restaurants
15. Indoor recreational uses including skating rinks, bowling alleys, arcades & similar uses
16. Business & professional offices which include, but are not limited to, privately owned medical or dental clinics
17. Institution for children or the aged, not including penal or correctional types
18. Studios of artists or photographers
19. Personal service shops for barbering, beauty culture or physical culture; health club, fitness center;
21. Animal hospitals and pet shops (provided there are no runs or kennels)
22. New Automobile sales, service and repair; watercraft and motorcycle sales service and repair on lots of not less than one (1) acre
23. Carpet and upholstery cleaning service
24. Plumbing sales, retail, and wholesale, and repair services; air conditioning/heating sales and service
25. Radio and television sales, and repair services
26. Outdoor storage and display of products, equipment or materials normally sold outdoors and where the sale of said items are normally a part of the business operations on that property.
27. Commercial printing establishments, newspaper publishing and specialty printing providing that the business is conducted in an enclosed building and does not require outside storage of materials or products;
28. Shopping centers located on minimum sites of one (1) acre on an existing or proposed arterial street;
29. Carwashes/vacuum cleaner stations and quick car care clinics (lubrication, tune-up, etc.);
30. Cinema, movie theater
31. Photomats, laudromats;
32. Free-standing "game rooms," for electronic video games, pool tables, etc.;
33. Mini-storage buildings with a 2 acre minimum site;

Uses Permitted by Special Exception:

1. Nightclubs;
2. Construction equipment sales, repair and storage, farm equipment sales, repair and storage, Recreational vehicle sales, sales, repair and storage, Manufactured home sales, Building materials sales, automotive sales (used),or Heavy construction equipment sales and service, and similar types of outdoor sales, where some or all such materials are displayed outdoors or visible from streets or highways located on minimum sites of two (2) acre on an

3. Wireless Communication towers;
4. Public/Quasi-Public uses see Section 404.5;
5. Outdoor recreational and entertainment uses in which all or part of the activities are conducted out-of-doors, such as golf driving or putting courses, amusement parks, drive-in theaters, etc.;
6. Truck stops;
7. Veterinary clinics with outside dog runs;
8. Railroads and railroad spur tracks;
9. Farm and garden supply feed store, yard and garden centers, nurseries, and greenhouse operations;
10. Automotive repair services, major: all operations shall be conducted within an enclosed building, all damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from surrounding property or from any adjoining public street or walkway. No damaged or wrecked vehicles shall be stored for purposes other than repair and shall not constitute a vehicle wrecking, dismantling, or impounding yard, or junk or salvage;
11. Tattoo parlors, check cashing businesses, pawnshops, cash for title businesses, massage parlors, etc.

Required lot area and lot width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Percentage of lot coverage: principal and accessory buildings shall not cover more than 50% of the lot.

Yards Required:

Front yard: the front yard building setback line for all buildings and accessory buildings shall be a minimum of 25 feet from any existing right-of-way line of any street or road

Side yard: 5' required unless abutting a residential zone, in which case there shall be a side yard of 50 feet along said zone boundary.

Rear yard: There shall be a minimum of not less than 25 feet except where the rear yard abuts a residential zone, in which case there shall be a side yard of 50 feet along said zone boundary of which 25 feet has to be a landscaped buffer. Parking is not allowed in buffer yard.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: see Section 614.

500.7 SOUTH WASHINGTON DISTRICT (7)

Intent: To provide for medium density residential housing, dockside gaming, and heavy industrial uses along the waterfront. The Washington street corridor is expected to be mixed residential commercial. It is also intended for pedestrian facilities (sidewalks, walkways, and parks to be improved and extended. Finally, the viewshed of the Mississippi River is important to the City, and all development and redevelopment must take it into consideration.

500.7.1 (R-2) SINGLE-FAMILY RESIDENTIAL ZONE

Purpose: The purpose of this land use classification is to provide for the development of single-family detached dwellings on moderate-sized lots of at least 8,000 square feet. The maximum density is 4 to 8 dwelling units per acre.

Uses Permitted.

1. Single-family dwellings and accessory structures.
 - a) Site-built homes
2. Townhouses

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses, see Section 410.4

Required Lot Area and Lot Width. Every dwelling shall be located on a single lot of not less than eight thousand (8,000) square feet in area for first four units and shall have a width determined at the building setback line of not less than fifty (50) feet, but lot width for townhouses shall be 100 feet.

Percentage of Coverage. Buildings, including accessory buildings and structures, shall not cover more than forty-five (45) percent of the area of any lot.

Yards and setbacks required.

Front yards. For new subdivisions, the front yard building setback shall be a minimum of twenty-five (25) feet from any existing right-of-way line of any street or road, including those shown on the City of Vicksburg Major Thoroughfare Plan. In existing neighborhoods, the building must be sited on the lot to have the same front yard setback as other buildings on the street.

Side yard. 5 feet

Rear yards. 10 feet.

Yards for public and semipublic buildings. All public and semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

City of Vicksburg

Zoning Map

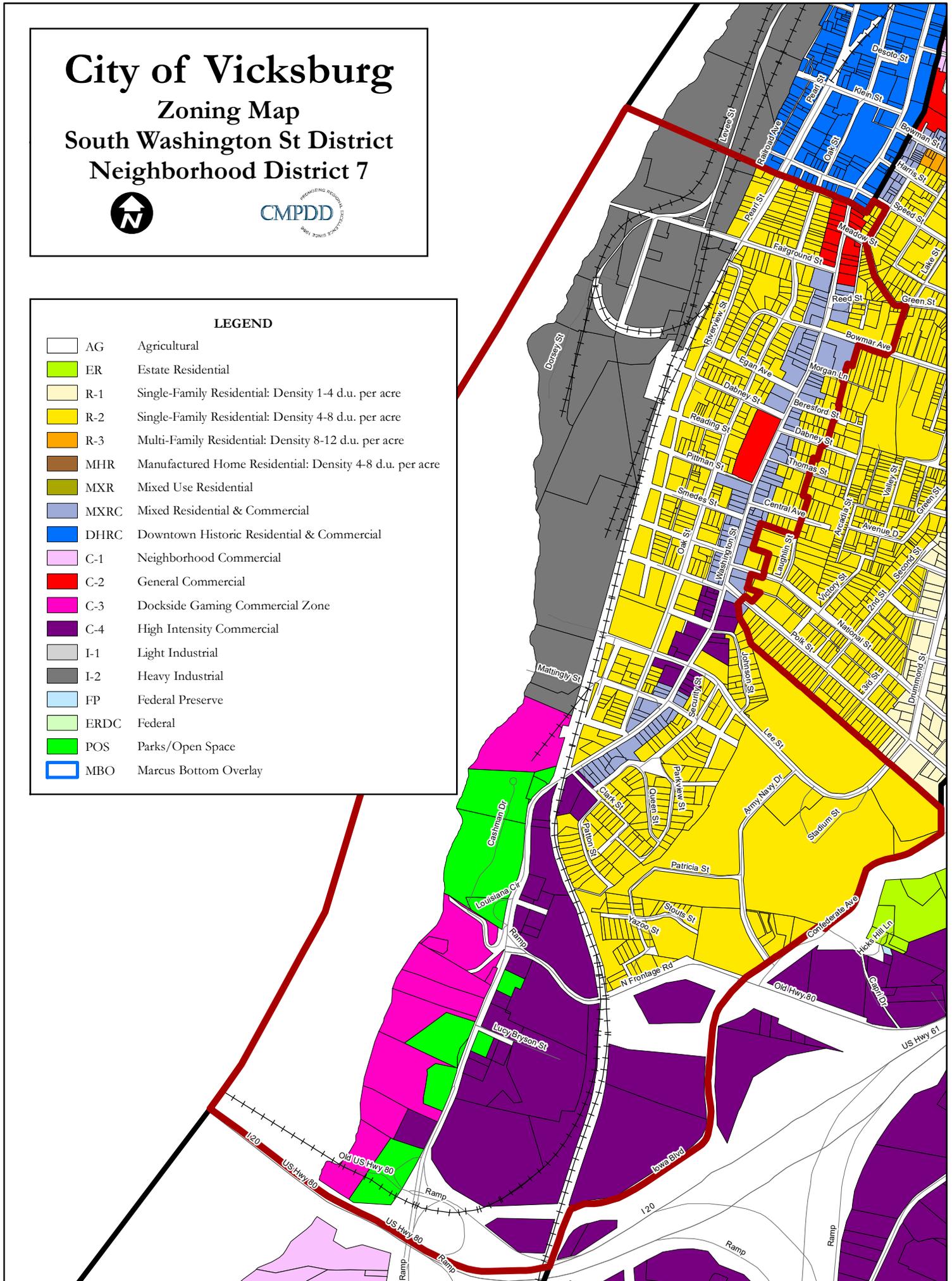
South Washington St District

Neighborhood District 7



LEGEND

	AG	Agricultural
	ER	Estate Residential
	R-1	Single-Family Residential: Density 1-4 d.u. per acre
	R-2	Single-Family Residential: Density 4-8 d.u. per acre
	R-3	Multi-Family Residential: Density 8-12 d.u. per acre
	MHR	Manufactured Home Residential: Density 4-8 d.u. per acre
	MXR	Mixed Use Residential
	MXRC	Mixed Residential & Commercial
	DHRC	Downtown Historic Residential & Commercial
	C-1	Neighborhood Commercial
	C-2	General Commercial
	C-3	Dockside Gaming Commercial Zone
	C-4	High Intensity Commercial
	I-1	Light Industrial
	I-2	Heavy Industrial
	FP	Federal Preserve
	ERDC	Federal
	POS	Parks/Open Space
	MBO	Marcus Bottom Overlay



Parking. See Section 402.

Signs. See Section 403.

500.7.2 (MXRC) MIXED USE RESIDENTIAL AND COMMERCIAL ZONE

Purpose of Zone: To provide for mixed residential and commercial uses along a major thoroughfares such as the South Washington Street corridor.

Permitted Uses:

1. Single-family dwelling and accessory structures – 1 per parcel
 - a) site-built homes
 - b) modular homes
 - c) Manufactured homes
2. Two-family dwellings
3. Multifamily Residential (must follow guidelines in Section R-3)
4. Antique shops
5. Apparel stores
6. Art studios
7. Florist shops
8. Hardware stores
9. Offices and/or office buildings, which include, but are not limited to, privately owned medical or dental clinics
10. Shoe repair shops and similar service establishments
- 11.
12. Full Service Restaurant
13. Fast Food Restaurant
14. Personal service shops for barbering, beauty culture and physical culture
15. Hotels and motels

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses, see Section 410.4
2. Outdoor uses
2. Personal care homes
3. Boarding house
4. Child care facility Class B
5. Tourist homes
6. Automotive repair, major
7. Body shops
8. Pawn shops

Height Limit: Maximum 65 feet or in accordance with the adopted building code whichever is less.

Yards Required: None,

Parking: see Section 402.

Signs: see Section 403.

500.7.3 (C-2) GENERAL COMMERCIAL ZONE

Purpose of Zone: The purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility along South Washington Street.

Permitted Uses:

1. Retail stores
2. Service stations including vehicle repairs (except body repairs), provided that all vehicle repairs except those of 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
3. Convenience/grocery stores with or without fuel pumps
4. Shoe repair shop or similar service establishment
5. Banks
6. Class B child care facilities, and adult daycare facilities with less than 24 hour service
7. Coin operated Laundromat and dry cleaners,
8. Cleaning and laundry pick-up station
9. RV parks
10. Full service restaurants
11. Fast Food Restaurants
12. Business & professional offices which include, but are not limited to, privately owned medical or dental clinics
13. Studios of artists or photographers
14. Personal service shops for barber and beauty shops, gymnasiums, martial arts studios, health clubs;
15. Animal hospitals and pet shops (provided there are no runs or kennels)
16. Carpet and upholstery cleaning service
17. Plumbing sales, retail, and wholesale, and repair services; air conditioning/heating sales and service – No outdoor storage
18. Radio and television sales, and repair services
19. Indoor Recreation

Uses Permitted by Special Exception:

1. Automotive repair services (minor and major): See Section ____, Screening Ordinance;
2. Convenience stores/grocery stores with fuel pumps;

3. Public and or quasi-public uses, Section 410.4.

Required Lot Area and Lot Width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Percentage of Lot Coverage: principal and accessory buildings shall not cover more than 50% of the lot.

Yards Required:

Front yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Side yard: 5' where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

Buffer zone for Vicksburg National Military Park. - See Section 410.6

Landscape Plan: see Section 614.

500.7.4 (C-3) DOCKSIDE GAMING COMMERCIAL ZONE

Purpose: To provide for dockside gaming and casinos in appropriate locations.

Permitted Uses:

3. Dockside gaming, see Dockside Gaming Ordinance.
4. Professional offices.

Uses Permitted by Special Exception:

2. Public Quasi-public uses, see Section 410.4

Dimensional Requirements:

Height Limit: Maximum 65 feet or in accordance with the adopted building code, whichever is less.

Front yard: 75 feet.

Side yards: 25 feet.

Rear yards: 50 feet.

Yards for public and semipublic buildings: All public and semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

Landscape Plan: See Section 614.

Signs: See Section 403.

Parking: See Section 402.

500.7.5 (C-4) HIGH INTENSITY COMMERCIAL ZONE

Purpose of this Zone: to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility along South Washington Street.

Permitted Uses:

1. Outdoor storage and display of products, equipment or materials normally sold outdoors and where the sale of said items is normally a part of the business operations on that property.
2. Watercraft (marine) sales and service.
3. Pawn shops
4. Retail, sales and rentals with outdoor storage.
5. Hotel and motel uses
6. Recreational Vehicle (RV) park.
7. Car rental
8. Commercial parking lot
9. Construction company with outdoor storage.
10. Convenience/grocery stores with or without fuel pumps.

Uses Permitted by Special Exception:

1. Automotive repair services (minor and major): See Section ____, Screening Ordinance.
2. Public and or quasi-public uses, Section 410.4;

Required Lot Area and Lot Width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Percentage of Lot Coverage: principal and accessory buildings shall not cover more than 50% of the lot.

Yards Required:

Front yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Side yard: 5' where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

Buffer Zone for Vicksburg National Military Park. - See Section 410.6

Landscape Plan: see Section 614

500.7.6 (I-2) HEAVY INDUSTRIAL ZONE

Industrial Uses Permitted.

1. Petroleum storage
2. Tank barge transporting and harboring
3. Rock yard
4. Lumber processing plant
5. Railroad operations

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses, see Section 404.5

Height Limit: See City Building Code and viewshed ordinance.

Front yards: 100 feet.

Side yard: 25 feet.

Rear yards: 25 feet, or 150 feet if yards abut residential properties.

Yards for public and semipublic buildings. All public and semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

Landscape Plan: There shall be a landscape buffer along all property lines between adjacent property lines.

Signs: see Section 403

Parking: see Section 402.

500.7.7 PARK AND OPEN SPACE ZONE

Uses Permitted:

1. Public parks

Uses Permitted by Special Exception:

1. Public/Quasi-Public Uses

Required Lot Area and Lot Width: No restrictions.

Yards Required: None required.

Parking: See Section 402.

Signs: See Section 403.

Landscape Plan: See Section 614.

500.8 MID-TOWN DISTRICT (8)

Intent: The neighborhood is primarily comprised of low and medium density residential uses with some high density residential uses and some low to medium intensity commercial uses in pockets along major thoroughfares. There are a number of land-locked parcels that should be opened up for development or redevelopment. It is the intent of this district to be interconnected with other areas of Vicksburg and to create a sense of place in this neighborhood.

500.8.1 (R-1) SINGLE-FAMILY RESIDENTIAL ZONE. (low-density)

Purpose of Zone: To promote the development of single-family detached dwellings on relatively large lots of at least 10,000 square feet. The maximum density is 4 dwelling units per acre.

Uses Permitted.

1. Site-built, Single-family dwellings and accessory structures – 1 per parcel

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses - see Section 410.4

Required Lot Area and Lot Width. Every dwelling shall be located on minimum lot of not less than 8,000 square feet in area and shall have a width determined at the building setback line of not less than 60 feet.

Percentage of Lot Coverage. Buildings, including accessory structures, shall not cover more than forty-five (45) percent of the area of any lot.

Yards Required:

Front yards: The building must be sited on the lot to have the same setback as other buildings on the street.

Side yards. There shall be a minimum side yard of ten (10) feet on each side of any structure, measured from the side lot line to the nearest building.

Rear yards. 10 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Yards of public/quasi-public buildings. All public or semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of 10 feet from the respective lot line.

Parking: see Section 402.

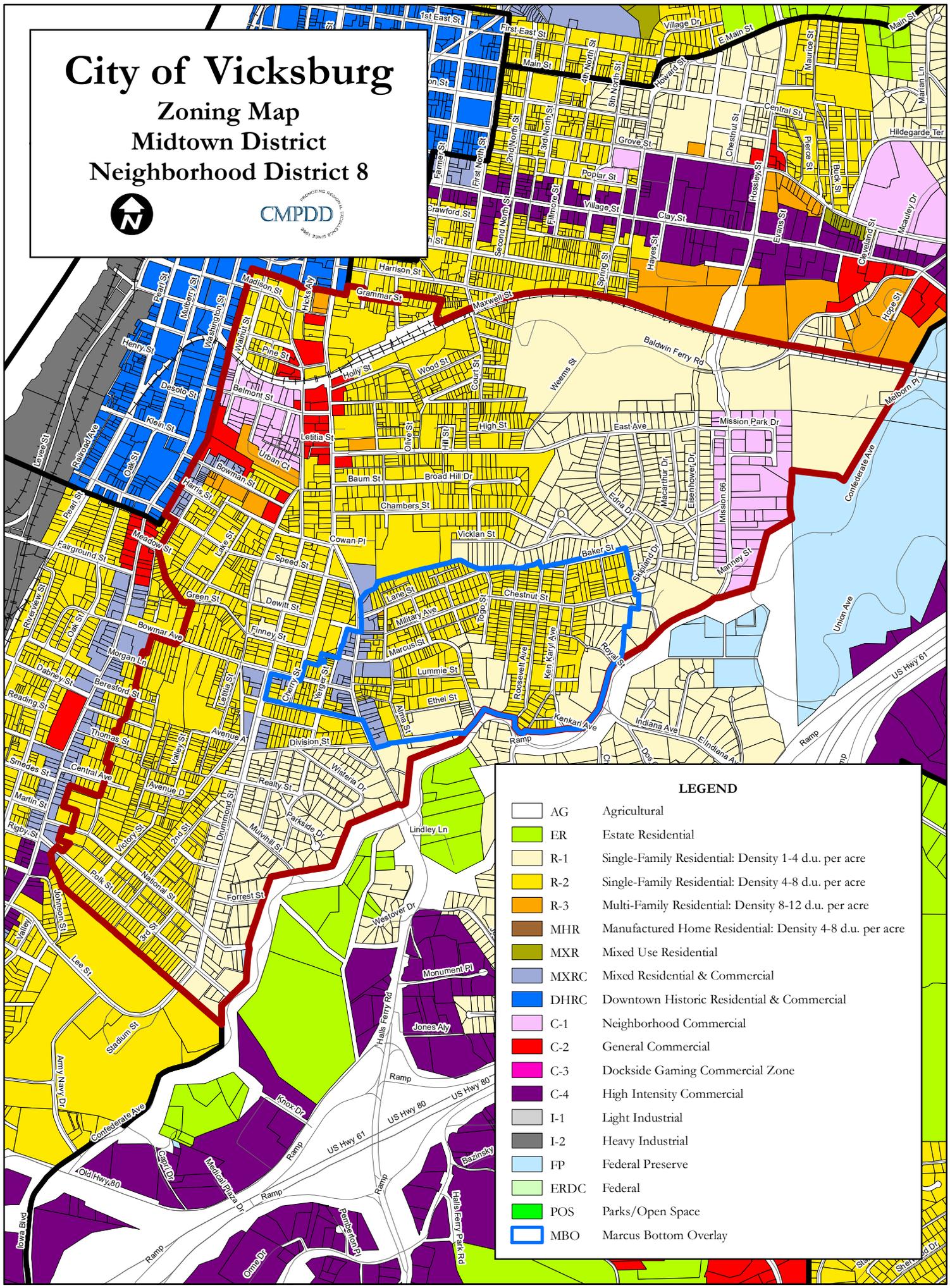
Signs: see Section 403.

City of Vicksburg

Zoning Map

Midtown District

Neighborhood District 8



LEGEND

- AG Agricultural
- ER Estate Residential
- R-1 Single-Family Residential: Density 1-4 d.u. per acre
- R-2 Single-Family Residential: Density 4-8 d.u. per acre
- R-3 Multi-Family Residential: Density 8-12 d.u. per acre
- MHR Manufactured Home Residential: Density 4-8 d.u. per acre
- MXR Mixed Use Residential
- MXRC Mixed Residential & Commercial
- DHRC Downtown Historic Residential & Commercial
- C-1 Neighborhood Commercial
- C-2 General Commercial
- C-3 Dockside Gaming Commercial Zone
- C-4 High Intensity Commercial
- I-1 Light Industrial
- I-2 Heavy Industrial
- FP Federal Preserve
- ERDC Federal
- POS Parks/Open Space
- MBO Marcus Bottom Overlay

500.8.2 (R-2) SINGLE-FAMILY RESIDENTIAL ZONE. (medium density)

Purpose: The purpose of this zone is to provide for the development of single-family detached dwellings on moderate-sized lots of at least 5,000 square feet, yielding a density range of 4 to 8 dwelling units per acre.

Uses Permitted:

1. Site-built single-family dwellings and accessory structures.

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses see Section 404.5

Required Lot Area and Lot Width. Every dwelling shall be located on a single lot of not less than 5,000 square feet in area and shall have a width determined at the building setback line of not less than 45 feet.

Percentage of coverage. Buildings, including accessory buildings and structures, shall not cover more than forty (40) percent of the area of any lot.

Yards required:

Front yards: The building must be sited on the lot to have the same setback as other buildings on the street.

Side yard: 5 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yards: 10 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Yards for Public and Semipublic Buildings. All public and semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

Parking. See Section 402.

Signs. See Section 403.

500.8.3 R-3 MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3)

Purpose: 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) residential districts and higher intensity uses, such as commercial uses or industrial (I-1) uses, that are not compatible with lower density residential environment. Multiple Family Residential districts (R-3) shall have access directly only streets/highways that are classified as principal arterials or minor arterials on the adopted Thoroughfares Plan; such access shall not be provided by means of a driveway through land zoned for other purposes or by means of a driveway through other property that is not a part of the proposed multi-family development.

All multi-family residential uses shall be property landscaped and screened from other uses and access/egress to apartment or condominium complexes shall be provided in accordance with Section 614. Landscape Section.

Entrances to all units must be through an interior hallway. No outside entrance will be allowed excluding patio entrances on ground floors.

Permitted Uses: The following uses are permitted outright in the R-3 districts subject to the regulations prescribed herein.

1. Multi-family dwellings including apartments and condominiums as defined in the Definitions Section of this ordinance – new.
2. Accessory uses or structures in multi-family residential complexes, including laundromats, vending machine center, recreational buildings, swimming pools, tennis courts, and similar uses and structures incidental to multi-family buildings. Such uses and structures shall be reserved exclusively for use by residents of the multi-family complex.

Uses Permitted by Special Exception:

1. Public/Quasi-Public Uses, see Section 404.5
1. Railroad and railroad spur tracks

Lot Area and Dimensional Requirements for All Multi-Family Uses:

Minimum lot area: Five (5) acres, but not more than 20 acres and not adjacent to existing or proposed multi-family housing.

Maximum Density: Ten (10) dwelling units per gross acre.

Minimum Lot Width: 200 feet at the required building setback line.

Percentage of Lot Coverage: Not more than 40 percent of the area of any lot.

Minimum Yards:

1. Front yard: 50 feet with a 25 foot landscape buffer.

2. Side and rear yard: 50 with a 25 foot landscape buffer.
3. Minimum space between buildings: 30 feet.

Requirements For Off-Street Parking and Loading Requirements: See Section 402. .

Signs: See Section 403.

Site Plan Required: The developer of any apartment or condominium complex shall submit a site plan to the Community Development Department in accordance with Section 612 this ordinance.

Required Open Space Reservation For All Multi-Family Residential Developments: A minimum of 30 percent 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. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the apartments or condominiums. The site plan shall include the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities. On-site maintenance, management and security is required.

Maximum Amount of Common Open Space Covered by Water: No more than 50 percent of the required amount of open space may be covered by lakes or ponds.

Steep Slopes: In reviewing the preliminary subdivision plat for a proposed apartment or condominium complex, the Planning and Zoning Commission shall determine if any land containing slopes of 12 percent 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 Site Plan and Preliminary Plat Review Committee shall make a decision as to whether or not any steep sloped land should be approved for use in meeting the requirements of this Section.

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 Site Plan and Preliminary Plat Review Committee as part of the site plan review process. All open space improvements shall be shown on the site plan. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

Staged Development of a Multi-Family Residential Development:

If a multi-family residential development is to be developed in stages or parts, 30 percent of the gross site area of each part shall be reserved for open space.

Required Landscaping Along Arterial Streets: Developers of multi-family residential uses in R-3 zones shall comply with the Landscaping Section 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 or child care facilities shall also comply with Section 410.

Water and Sewer Connections: The City of Vicksburg utilities will notify developer of water and sewer connections and type of meters.

Dumpster Ordinance: See Section 11-117(c).

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: see Section 614.

500.8.3 (MXRC) MIXED RESIDENTIAL AND COMMERCIAL ZONE

Purpose: To provide for mixed residential and commercial uses along major thoroughfares.

Permitted Uses:

1. Single-family dwelling and accessory structures – 1 per parcel
2. Two-family dwellings
3. Multifamily Residential (must follow guidelines in Section R-3 for new construction)
4. Retail
5. Art studios
6. Offices and/or office buildings, which include, but are not limited to, privately owned medical or dental clinics
7. Shoe repair shops and similar service establishments
8. Custom sign painting shops – no outdoor storage or painting
9. Full Service Restaurant
10. Personal service shops for barbering, beauty culture and physical culture
11. Convenience stores without fuel pumps.

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses see Section 404.5
2. Personal care homes
3. Boarding house
4. Child care facility Class B
5. Tourist homes
6. Convenience stores/grocery stores with fuel pumps.
7. Automotive repair, major and minor
8. Automotive detailing and tinting

Required Lot Area and Lot Width: minimum lot of not less than 4,500 sq. ft. in area for single-family dwellings and shall have a width determined at the building setback line of not less than 45 feet.

Every two-family or duplex residences shall be located on a lot or lots of not less than 8,000 square feet in area and shall have a width determined at the building setback line of not less than 50 feet.

Yards Required:

Front yard: Residential - The building must be sited on the lot to have the same setback as other buildings on the street. Commercial - The building must be sited on the lot to have the same setback as other buildings within 100' on either side. Where a commercial property abuts a residential district a 5 foot landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Side yard: 5 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 10 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

500.8.4 (C-1) NEIGHBORHOOD COMMERCIAL

Purpose: To provide for low intensity commercial uses on major streets near residential neighborhoods. These uses do not generate high volumes of traffic and generally serve the neighborhood's residents. The character of such uses is that they are to be compatible with the residential nature of the area.

Permitted Uses:

1. Professional office space: law, medical, engineering, architecture, accounting, insurance, real estate, information technology, etc.
2. Limited retail, service, and restaurant uses:

Uses Permitted by Special Exception:

1. Radio stations
2. Class B child care centers

3. Floral shops
4. Studios for music, dance, art, photographic, and martial arts
5. Shoe repair shops
6. Hair salons and barber shops
7. Nursing homes
8. museums

Required Lot Area and Lot Width:

Percentage of Lot Coverage: **Not regulated**

Yards required:

Front Yard:

Side Yard:

Rear Yard:

Parking: See Section 402.

Signs: See Section 403

Landscape Plan: See Section 614

500.8.5 (C-2) GENERAL COMMERCIAL ZONE

Purpose: The purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require auto traffic access and visibility along Halls Ferry Road and Drummond Street. This zone includes businesses in which the principal activity is conducted indoors.

Permitted Uses:

1. Retail
2. Convenience stores without fuel pumps
3. Shoe repair shop or similar service establishment
4. Banks
5. Class B child care facilities
6. Florist shop
7. Laundromat and dry cleaners
8. Cleaning and laundry pick-up station
9. Full service restaurants
10. Business & professional offices which include, but are not limited to, privately owned medical or dental clinics
11. Personal service shops for barber shop, beauty shop, gymnasium, health club, fitness center, martial arts studios;

12. Studios of artists or photographers
13. Auto repair, minor

Uses Permitted by Special Exception:

1. Wireless Communication towers; See Wireless Communication Ordinance
2. Public/Quasi-Public uses, see Section 404.5;
3. Convenience stores/grocery stores with fuel pumps

Required Lot Area and Lot Width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Percentage of lot coverage: principal and accessory buildings shall not cover more than 50% of the lot.

Yards Required:

Front yard: The building must be sited on the lot to have the same setback as other buildings within 100' on either side.

Side yard: at least 5 feet where a property abuts a residential district a 5 foot landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: at least 5 feet where a property abuts a residential district a 5 foot landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: See section 614.

Buffer Zone for Vicksburg National Military Park - See Section 410.6

Site Plan Review: See Section 612

500.8.6 (MBO) MARCUS BOTTOM OVERLAY ZONE

Purpose: The primary purpose is to allow mixed residential use, which is not allowed anywhere else in the Mid-Town District. In addition, this area may become a future urban renewal area.

500.8.6.1 (R-1) SINGLE-FAMILY RESIDENTIAL ZONE. (low-density)

Purpose of Zone: To promote the development of single-family detached dwellings on relatively large lots of at least 10,000 square feet. The maximum density is 4 dwelling units per acre.

Uses Permitted.

1. Single-family dwellings and accessory structures – 1 per parcel
 - a) Site-built homes
 - b) Modular homes
 - c) Manufactured homes

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses - see Section 410.4

Required Lot Area and Lot Width. Every dwelling shall be located on minimum lot of not less than 8,000 square feet in area and shall have a width determined at the building setback line of not less than 60 feet.

Percentage of Lot Coverage. Buildings, including accessory structures, shall not cover more than forty-five (45) percent of the area of any lot.

Yards Required:

Front yards: The building must be sited on the lot to have the same setback as other buildings on the street.

Side yards. There shall be a minimum side yard of ten (10) feet on each side of any structure, measured from the side lot line to the nearest building.

Rear yards. 10 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Yards of public/quasi-public buildings. All public or semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of 10 feet from the respective lot line.

Parking: see Section 402.

Signs: see Section 403.

500.8.6.2 (R-2) SINGLE-FAMILY RESIDENTIAL ZONE. (medium density)

Purpose: The purpose of this zone is to provide for the development of single-family detached dwellings on moderate-sized lots of at least 5,000 square feet, yielding a density range of 4 to 8 dwelling units per acre.

Uses Permitted:

2. Site-built single-family dwellings and accessory structures.

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses see Section 404.5

Required Lot Area and Lot Width. Every dwelling shall be located on a single lot of not less than 5,000 square feet in area and shall have a width determined at the building setback line of not less than 45 feet.

Percentage of coverage. Buildings, including accessory buildings and structures, shall not cover more than forty (40) percent of the area of any lot.

Yards required:

Front yards: The building must be sited on the lot to have the same setback as other buildings on the street.

Side yard: 5 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yards: 10 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Yards for Public and Semipublic Buildings. All public and semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

Parking. See Section 402.

Signs. See Section 403.

500.8.6.3 (MXRC) MIXED RESIDENTIAL AND COMMERCIAL ZONE

Purpose: To provide for mixed residential and commercial uses along major thoroughfares.

Permitted Uses:

1. Single-family dwelling and accessory structures – 1 per parcel
2. Two-family dwellings
3. Multifamily Residential (must follow guidelines in Section R-3 for new construction)
4. Retail
5. Art studios

6. Offices and/or office buildings, which include, but are not limited to, privately owned medical or dental clinics
7. Shoe repair shops and similar service establishments
8. Custom sign painting shops – no outdoor storage or painting
9. Full Service Restaurant
10. Personal service shops for barbering, beauty culture and physical culture
11. Convenience stores without fuel pumps.

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses see Section 404.5
2. Personal care homes
3. Boarding house
4. Child care facility Class B
5. Tourist homes
6. Convenience stores/grocery stores with fuel pumps.
7. Automotive repair, major and minor
8. Automotive detailing and tinting

Required Lot Area and Lot Width: minimum lot of not less than 4,500 sq. ft. in area for single-family dwellings and shall have a width determined at the building setback line of not less than 45 feet.

Every two-family or duplex residences shall be located on a lot or lots of not less than 8,000 square feet in area and shall have a width determined at the building setback line of not less than 50 feet.

Yards Required:

Front yard: Residential - The building must be sited on the lot to have the same setback as other buildings on the street. Commercial - The building must be sited on the lot to have the same setback as other buildings within 100' on either side. Where a commercial property abuts a residential district a 5 foot landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Side yard: 5 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 10 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

500.9 I-20 NEIGHBORHOOD DISTRICT (9)

Intent: The neighborhood is primarily comprised of low and medium density residential uses with a considerable amount of C-4 commercial land along the Interstate interspersed with a smaller amount of C-2 general commercial uses. The intent of this district is to provide areas along I-20 for mostly commercial development with residential development beyond the commercial development.

500.9.1 (ER) ESTATE RESIDENTIAL ZONE:

Purpose: to provide for and maintain large lot, low-density residential development offering desirable amenities such as rural character, views, and open spaces.

Land Uses Permitted:

3. Single-family detached dwellings with only one (1) dwelling per acre.
 - g) site-built homes,
 - h) modular homes,
 - i) manufactured.
2. Accessory uses and structures associated with the use of land for residential purposes.
3. Home occupations in compliance with Section 404.10.

Uses Permitted by Special Exceptions:

1. Public/Quasi-Public facilities and utilities - See Section 404.5;
2. Child care facilities

Lot Area and Dimensional Requirements:

Minimum Lot Area: One acre.

Minimum Lot Width: 150 feet.

Minimum Yards:

1. **Front yard:** 35 feet from the existing or proposed street right-of-way line to the building setback line.
2. **Side yards:** 10 feet
3. **Rear yard:** 25 feet

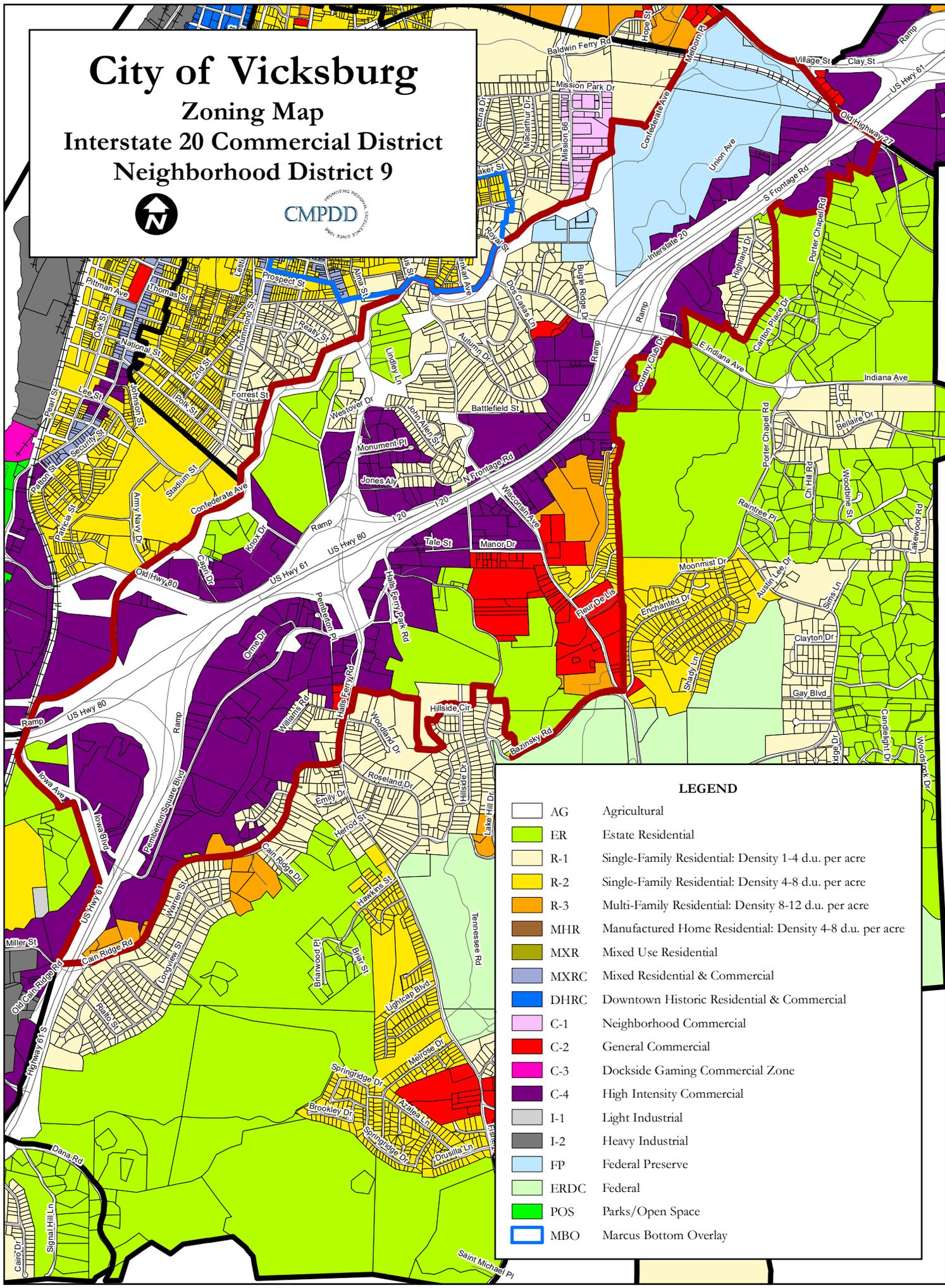
Swimming Pools: Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of ten feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be

City of Vicksburg

Zoning Map

Interstate 20 Commercial District

Neighborhood District 9



LEGEND

	AG	Agricultural
	ER	Estate Residential
	R-1	Single-Family Residential: Density 1-4 d.u. per acre
	R-2	Single-Family Residential: Density 4-8 d.u. per acre
	R-3	Multi-Family Residential: Density 8-12 d.u. per acre
	MHR	Manufactured Home Residential: Density 4-8 d.u. per acre
	MXR	Mixed Use Residential
	MXRC	Mixed Residential & Commercial
	DHRC	Downtown Historic Residential & Commercial
	C-1	Neighborhood Commercial
	C-2	General Commercial
	C-3	Dockside Gaming Commercial Zone
	C-4	High Intensity Commercial
	I-1	Light Industrial
	I-2	Heavy Industrial
	FP	Federal Preserve
	ERDC	Federal
	POS	Parks/Open Space
	MBO	Marcus Bottom Overlay

enclosed by a structure or fencing. Fencing shall be at least four (4) feet high and shall have a self-latching gate.

Off-Street Parking Requirements: See Section 402.

Signs: See Section 403.

Landscape Plan: see Section 614.

500.9.2 R-I SINGLE-FAMILY RESIDENTIAL ZONE. (low density)

Purpose: The purpose of this land use classification is to promote the development of site-built single detached dwellings on relatively large lots of at least 10,000 square feet. The maximum density is 4 dwelling units per acre.

Uses Permitted.

1. Site-built single-family dwellings and accessory structures – 1 per parcel

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses - see Section 404.5

Required lot area and lot width. Every dwelling shall be located on minimum lot of not less than 8,000 square feet in area and shall have a width determined at the building setback line of not less than 60 feet.

Percentage of lot coverage. Buildings, including accessory structures, shall not cover more than forty-five (45) percent of the area of any lot.

Yards required:

Front yards: The building must be sited on the lot to have the same setback as other buildings on the street.

Side yards: 10 feet.

Rear yards: 25 feet.

Yards of public or quasi-public buildings. All public or semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of 10 feet from the respective lot line.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: see Section 614.

Buffer Zone for Vicksburg National Military Park.- See Section 410.

500.9.3 (R-2) SINGLE-FAMILY RESIDENTIAL ZONE. (medium density)

Purpose: The purpose of this zone is to provide for the development of medium density site-built single-family detached dwellings on moderate-sized lots of at least 5,000 square feet, yielding a density range of 4 to 8 dwelling units per acre.

Uses Permitted:

1. Site-built single-family dwellings and accessory structures.

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses see Section 404.5

Required lot area and lot width: Every dwelling shall be located on a single lot of not less than 5,000 square feet in area and shall have a width determined at the building setback line of not less than 45 feet.

Percentage of Coverage. Buildings, including accessory buildings and structures, shall not cover more than thirty-five (35) percent of the area of any lot.

Yards required:

Front yards: The building must be sited on the lot to have the same setback as other buildings on the street.

Side yard: 5 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yards: 10 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Yards for public and semipublic buildings. All public and semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

Parking. See Section 402.

Signs. See Section 403.

Landscape Plan. See Section 614.

500.9.4 R-3 MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3)

Purpose: 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) residential districts and higher intensity uses, such as commercial uses or industrial (I-1) uses, that are not compatible with lower density residential environment. Multiple Family Residential districts (R-3) shall have access directly only streets/highways that are classified as principal arterials or minor arterials on the adopted Thoroughfares Plan; such access shall not be provided by means of a driveway through land zoned for other purposes or by means of a driveway through other property that is not a part of the proposed multi-family development.

All multi-family residential uses shall be property landscaped and screened from other uses and access/egress to apartment or condominium complexes shall be provided in accordance with Section 614. Landscape Section.

Entrances to all units must be through an interior hallway. No outside entrance will be allowed excluding patio entrances on ground floors.

Permitted Uses: The following uses are permitted outright in the R-3 districts subject to the regulations prescribed herein.

1. Multi-family dwellings including apartments and condominiums as defined in the Definitions Section of this ordinance – new.
2. Accessory uses or structures in multi-family residential complexes, including laundromats, vending machine center, recreational buildings, swimming pools, tennis courts, and similar uses and structures incidental to multi-family buildings. Such uses and structures shall be reserved exclusively for use by residents of the multi-family complex.

Uses Permitted by Special Exception:

1. Public/Quasi-Public Uses, see Section 404.5
 1. Railroad and railroad spur tracks

Lot Area and Dimensional Requirements for All Multi-Family Uses:

Minimum lot area: Five (5) acres, but not more than 20 acres and not adjacent to existing or proposed multi-family housing.

Maximum Density: Ten (10) dwelling units per gross acre.

Minimum Lot Width: 200 feet at the required building setback line.

Percentage of Lot Coverage: Not more than 40 percent of the area of any lot.

Minimum Yards:

1. Front yard: 50 feet with a 25 foot landscape buffer.
2. Side and rear yard: 50 with a 25 foot landscape buffer.
3. Minimum space between buildings: 30 feet.

Requirements For Off-Street Parking and Loading Requirements: See Section 402. .

Signs: See Section 403.

Site Plan Required: The developer of any apartment or condominium complex shall submit a site plan to the Community Development Department in accordance with Section 612 his ordinance.

Required Open Space Reservation For All Multi-Family Residential Developments: A minimum of 30 percent 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. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the apartments or condominiums. The sit plan shall include the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities. On-site maintenance, management and security is required.

Maximum Amount of Common Open Space Covered by Water: No more than 50 percent of the required amount of open space may be covered by lakes or ponds.

Steep Slopes: In reviewing the preliminary subdivision plat for a proposed apartment or condominium complex, the Planning and Zoning Commission shall determine if any land containing slopes of 12 percent 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 Site Plan and Preliminary Plat Review Committee shall make a decision as to whether or not any steep sloped land should be approved for use in meeting the requirements of this Section.

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 Site Plan and Preliminary Plat Review Committee as part of the site plan review process. All open space improvements shall be shown on the site plan. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

Staged Development of a Multi-Family Residential Development:

If a multi-family residential development is to be developed in stages or parts, 30 percent of the gross site area of each part shall be reserved for open space.

Required Landscaping Along Arterial Streets: Developers of multi-family residential uses in R-3 zones shall comply with the Landscaping Section 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 or child care facilities shall also comply with Section 410.4.

Water and Sewer Connections: The City of Vicksburg utilities will notify developer of water and sewer connections and type of meters.

Dumpster Ordinance: See Section 11-117(c).

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: see Section 614.

500.9.5 (C-2) GENERAL COMMERCIAL ZONE

Purpose: The purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require auto traffic access and visibility along Halls Ferry Road, Wisconsin Avenue, and Indiana Avenue. This zone includes businesses in which the principal activity is conducted indoors.

Permitted Uses:

1. Retail
2. Convenience stores without fuel pumps
3. Shoe repair shop or similar service establishment
4. Banks
5. Class B child care facilities
6. Florist shop
7. Laundromat and dry cleaners
8. Cleaning and laundry pick-up station
9. Full service restaurants

10. Business & professional offices which include, but are not limited to, privately owned medical or dental clinics
11. Personal service shops for barber shop, beauty shop, gymnasium, health club, fitness center;
12. Studios of artists or photographers
13. Auto repair, minor

Uses Permitted by Special Exception:

1. Wireless Communication towers; See Wireless Communication Ordinance
2. Public/Quasi-Public uses, see Section 404.5;
3. Auto repair, major
4. Convenience stores/grocery stores with fuel pumps

Required lot area and lot width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Percentage of lot coverage: principal and accessory buildings shall not cover more than 50% of the lot.

Yards Required:

Front yard: The building must be sited on the lot to have the same setback as other buildings within 100' on either side.

Side yard: at least 5 feet where a property abuts a residential district a 5 foot landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: at least 5 feet where a property abuts a residential district a 5 foot landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: See Section 614

Buffer Zone for Vicksburg National Military Park - See Section 410

Site Plan Review: See Section 612

500.9.6 (C-4) HIGH INTENSITY COMMERCIAL ZONE

Purpose: to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility along Major Thoroughfares.

Permitted Uses:

1. Retail stores
2. Service stations including vehicle repairs (except body repairs), provided that all vehicle repairs except those of 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
3. Convenience stores without fuel pumps
4. Shoe repair shop or similar service establishment
5. Banks
6. Class B child care facilities
7. Laundromat and dry cleaners
8. Cleaning and laundry pick-up station
9. Hotels, motels
10. Full service restaurants
11. Fast Food Restaurants
12. Indoor recreational uses including skating rinks, bowling alleys, arcades & similar uses
13. Business & professional offices which include, but are not limited to, privately owned medical or dental clinics
14. Adult daycare, orphanage, nursing home, senior center
15. Studios of artists or photographers
16. Personal service shops for barbering, beauty shops, nail shops; health club, fitness center;
17. Animal hospitals and pet shops (provided there are no runs or kennels)
18. New and used Automobile sales, service and repair; watercraft and motorcycle sales service and repair on lots of not less than one (1) acre
19. Carpet and upholstery cleaning service
20. Plumbing sales, retail, and wholesale, and repair services; air conditioning/heating sales and service – No outdoor storage
21. Radio and television sales, and repair services
22. Outdoor storage and display of products, equipment or materials normally sold outdoors and where the sale of said items are normally a part of the business operations on that property.
23. Commercial printing establishments, newspaper publishing and specialty printing providing that the business is conducted in an enclosed building and does not require outside storage of materials or products;
24. Shopping centers located on minimum sites of one (1) acre on an existing or proposed arterial street;
25. Automotive repair services (minor and major): See section _____ Screening Ordinance.
26. Outdoor sales located on minimum sites of two (2) acres.
27. Outdoor recreational and entertainment uses in which all or part of the activities are conducted out-of-doors, such as golf driving or putting courses, amusement parks, drive-in theaters, etc.;

28. Veterinary clinics with outside dog runs;
29. Farm and garden supply feed store, yard and garden centers, nurseries, and greenhouse operations;
30. Carwashes/vacuum cleaner stations and quick car care clinics (lubrication, tune-up, etc.);
31. Laundromats;
32. Cinemas

Uses Permitted by Special Exception:

1. Nightclubs;
2. Wireless Communication towers;
3. Public/Quasi-Public uses see Section 404.5;
4. Railroads and railroad spur tracks;
5. Mini storage buildings with a 2 acre minimum site;
6. Truck stops/pawn shops;
7. Convenience stores/grocery stores with fuel pumps.

Required lot area and lot width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Percentage of lot coverage: principal and accessory buildings shall not cover more than 50% of the lot.

Yards Required:

Front yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Side yard: 5' where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

Buffer Zone for Vicksburg National Military Park: See Section 410.

500.10 WATERWAYS NEIGHBORHOOD DISTRICT (10)

Intent: To provide for primarily residential uses with some commercial uses at key interchanges. It also provides an area for federal Engineering and Research Development Center uses.

500.10.1 (ER) ESTATE RESIDENTIAL ZONE

Purpose: The purpose of this district is to provide for large lot, low-density residential development for persons desiring the amenities afforded by more spacious surroundings.

Land Uses Permitted:

1. Single-family detached dwellings with only one (1) dwelling per lot.
 - a) site-built homes
2. Accessory uses and structures associated with the use of land for residential purposes.
3. Home occupations in compliance with Section 404.10.
4. Breeding, raising, and feeding of grazing livestock (i.e. horses only), provided that each such animal herein defined as “grazing livestock” shall be kept on a tract or lot of one (1) acre of land or greater (one acre of land per animal is required). 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 not closer than 50 feet from any adjoining property lines or street right-of-way line. In accordance with the Chapter 4 Animals and Fowls of the City of Vicksburg, no hogs, pigs, or other swine shall be kept in the City of Vicksburg.

Uses Permitted by Special Exceptions:

1. Public/Quasi-Public facilities and utilities in Connection with Section 404.5 and other regulations of this Code.
2. Child care facilities

Dimensional Requirements:

Minimum Lot Area: One acre.

Minimum Lot Width: 150 feet.

Minimum Yards:

1. Front yard: 35 feet from the existing or proposed street right-of-way line to the building setback line.
2. Side yards: 10 feet

City of Vicksburg

Zoning Map

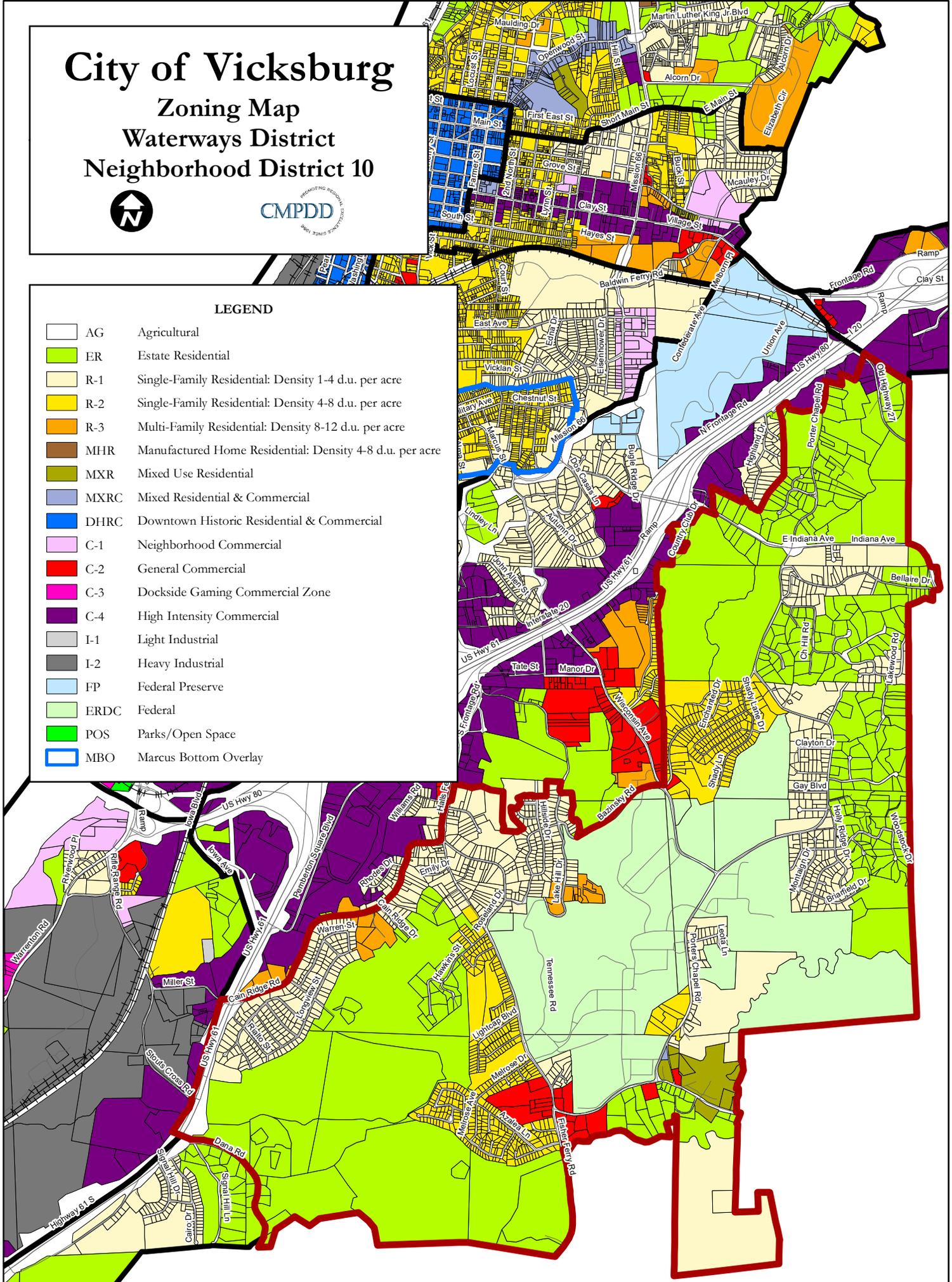
Waterways District

Neighborhood District 10



LEGEND

	AG	Agricultural
	ER	Estate Residential
	R-1	Single-Family Residential: Density 1-4 d.u. per acre
	R-2	Single-Family Residential: Density 4-8 d.u. per acre
	R-3	Multi-Family Residential: Density 8-12 d.u. per acre
	MHR	Manufactured Home Residential: Density 4-8 d.u. per acre
	MXR	Mixed Use Residential
	MXRC	Mixed Residential & Commercial
	DHRC	Downtown Historic Residential & Commercial
	C-1	Neighborhood Commercial
	C-2	General Commercial
	C-3	Dockside Gaming Commercial Zone
	C-4	High Intensity Commercial
	I-1	Light Industrial
	I-2	Heavy Industrial
	FP	Federal Preserve
	ERDC	Federal
	POS	Parks/Open Space
	MBO	Marcus Bottom Overlay



3. Rear yard: 25 feet

Off-Street Parking Requirements: See Section 402.

Signs: See Section 403.

Landscape Plan: see Section 614.

500.10.2 (R-1) SINGLE-FAMILY RESIDENTIAL ZONE. (low-density)

Purpose: The purpose of this land use classification is to promote the development of single-family detached dwellings on relatively large lots of at least 10,000 square feet. The maximum density is 4 dwelling units per acre.

Uses Permitted.

1. Site-built single-family dwellings and accessory structures – 1 per parcel

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses - see Section 404.5

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

Percentage of Lot Coverage. Buildings, including accessory structures, shall not cover more than thirty-five (35) percent of the area of any lot.

Yards required.

Front yards: 25 feet.

Side yards: 10 feet.

Rear yards: 25 feet.

Yards of Public or Quasi-public Buildings. All public or semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of 10 feet from the respective lot line.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: see Section 614.

500.10.3 (R-2) SINGLE-FAMILY RESIDENTIAL ZONE. (medium density)

Purpose: The purpose of this zone is to provide for the development of single-family detached dwellings on moderate-sized lots of at least 5,000 square feet, yielding a density range of 4 to 8 dwelling units per acre.

Uses Permitted:

2. Site-built single-family dwellings and accessory structures.

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses see Section 404.5

Required Lot Area and Lot Width. Every dwelling shall be located on a single lot of not less than 5,000 square feet in area and shall have a width determined at the building setback line of not less than 45 feet.

Percentage of Coverage. Buildings, including accessory buildings and structures, shall not cover more than thirty-five (35) percent of the area of any lot.

Yards Required:

Front yards: The building must be sited on the lot to have the same setback as other buildings on the street.

Side yard: 5 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yards: 10 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Yards for public and semipublic buildings. All public and semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

Parking. See Section 402.

Signs. See Section 403.

Landscape Plan: See Section 614.

500.10.4 R-3 MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3)

Purpose: 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) residential districts and higher intensity uses, such as commercial uses or industrial (I-1) uses, that are not compatible with lower density residential environment. Multiple Family Residential districts (R-3) shall have access directly only streets/highways that are classified as principal arterials or minor arterials on the adopted Thoroughfares Plan; such access shall not be provided by means of a driveway through land zoned for other purposes or by means of a driveway through other property that is not a part of the proposed multi-family development.

All multi-family residential uses shall be property landscaped and screened from other uses and access/egress to apartment or condominium complexes shall be provided in accordance with Section 614. Landscape Section.

Entrances to all units must be through an interior hallway. No outside entrance will be allowed excluding patio entrances on ground floors.

Permitted Uses: The following uses are permitted outright in the R-3 districts subject to the regulations prescribed herein.

1. Multi-family dwellings including apartments and condominiums as defined in the Definitions Section of this ordinance – new.
2. Accessory uses or structures in multi-family residential complexes, including laundromats, vending machine center, recreational buildings, swimming pools, tennis courts, and similar uses and structures incidental to multi-family buildings. Such uses and structures shall be reserved exclusively for use by residents of the multi-family complex.

Uses Permitted by Special Exception:

1. Public/Quasi-Public Uses, see Section 404.5
3. Railroad and railroad spur tracks

Lot Area and Dimensional Requirements for All Multi-Family Uses:

Minimum lot area: Five (5) acres, but not more than 20 acres and not adjacent to existing or proposed multi-family housing.

Maximum Density: Ten (10) dwelling units per gross acre.

Minimum Lot Width: 200 feet at the required building setback line.

Percentage of Lot Coverage: Not more than 40 percent of the area of any lot.

Minimum Yards:

1. Front yard: 50 feet with a 25 foot landscape buffer.
2. Side and rear yard: 50 with a 25 foot landscape buffer.
3. Minimum space between buildings: 30 feet.

Requirements For Off-Street Parking and Loading Requirements: See Section 402. .

Signs: See Section 403.

Site Plan Required: The developer of any apartment or condominium complex shall submit a site plan to the Community Development Department in accordance with Section 612 his ordinance.

Required Open Space Reservation For All Multi-Family Residential Developments: A minimum of 30 percent 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. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the apartments or condominiums. The sit plan shall include the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities. On-site maintenance, management and security is required.

Maximum Amount of Common Open Space Covered by Water: No more than 50 percent of the required amount of open space may be covered by lakes or ponds.

Steep Slopes: In reviewing the preliminary subdivision plat for a proposed apartment or condominium complex, the Planning and Zoning Commission shall determine if any land containing slopes of 12 percent 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 Site Plan and Preliminary Plat Review Committee shall make a decision as to whether or not any steep sloped land should be approved for use in meeting the requirements of this Section.

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 Site Plan and Preliminary Plat Review Committee as part of the site plan review process. All open space improvements shall be shown on the site plan. Open space improvements may include pedestrian or

bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

Staged Development of a Multi-Family Residential Development:

If a multi-family residential development is to be developed in stages or parts, 30 percent of the gross site area of each part shall be reserved for open space.

Required Landscaping Along Arterial Streets: Developers of multi-family residential uses in R-3 zones shall comply with the Landscaping Section 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 or child care facilities shall also comply with Section 410.4.

Water and Sewer Connections: The City of Vicksburg utilities will notify developer of water and sewer connections and type of meters.

Dumpster Ordinance: See Section 11-117(c).

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: see Section 614.

405.10.5 (MXR) MIXED USE RESIDENTIAL ZONE

Purpose: To provide for mixed residential and commercial uses along major thoroughfares.

Permitted Uses:

1. Single-family dwellings-1 per parcel
 - A. Site-built dwellings,
 - B. Modular dwellings,
 - C. Manufactured homes. Manufactured home parks are not permitted.
2. Two-family dwellings
3. Accessory structures

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses see Section 404.5

Required Lot Area and Lot Width: minimum lot of not less than 5,000 sq. ft. in area for single-family dwellings and shall have a width determined at the building setback line of not less than 50 feet.

Every two-family residence structure shall be located on a lot or lots of not less than 8,000 square feet in area and shall have a width determined at the building setback line of not less than 50 feet.

Yards Required:

Front yard: 25 feet.

Side yard: 5 feet if the property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 10 feet if the property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: see Section 614.

500.10.6 (C-2) GENERAL COMMERCIAL ZONE

Purpose: The purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require auto traffic access and visibility along Halls Ferry Road, Wisconsin Avenue, and Indiana Avenue. This zone includes businesses in which the principal activity is conducted indoors.

Permitted Uses:

1. Retail
2. Convenience stores without fuel pumps
3. Shoe repair shop or similar service establishment
4. Banks
5. Class B child care facilities
6. Florist shop
7. Laundromat and dry cleaners
8. Cleaning and laundry pick-up station
9. Full service restaurants
10. Business & professional offices which include, but are not limited to, privately owned medical or dental clinics
11. Personal service shops for barber shop, beauty shop, gymnasium, health club, fitness center;
12. Studios of artists or photographers
13. Auto repair, minor

Uses Permitted by Special Exception:

1. Wireless Communication towers; See Wireless Communication Ordinance
2. Public/Quasi-Public uses, see Section 404.5;
3. Auto repair, major
4. Convenience stores/grocery stores with fuel pumps

Required lot area and lot width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Percentage of lot coverage: principal and accessory buildings shall not cover more than 50% of the lot.

Yards Required:

Front yard: The building must be sited on the lot to have the same setback as other buildings within 100' on either side.

Side yard: at least 5 feet where a property abuts a residential district a 5 foot landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: at least 5 feet where a property abuts a residential district a 5 foot landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: See Section 614

Buffer Zone for Vicksburg National Military Park - See Section 410.6

Site Plan Review: See Section 612

500.10.7 (C-4) HIGH INTENSITY COMMERCIAL ZONE

Purpose: The purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility along Major Thoroughfares.

Permitted Uses:

1. Retail stores
2. Service stations including vehicle repairs (except body repairs), provided that all vehicle repairs except those of 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
3. Convenience stores without fuel pumps
 4. Shoe repair shop or similar service establishment
 5. Banks
 6. Class B child care facilities
 7. Laundromat and dry cleaners
 8. Cleaning and laundry pick-up station
 9. Hotels, motels
 10. Full service restaurants
 11. Fast Food Restaurants
 12. Indoor recreational uses including skating rinks, bowling alleys, arcades & similar uses
 13. Business & professional offices which include, but are not limited to, privately owned medical or dental clinics
 14. Adult daycare, orphanage, nursing home, senior center
 15. Studios of artists or photographers
 16. Personal service shops for barbering, beauty shops, nail shops; health club, fitness center;
 17. Animal hospitals and pet shops (provided there are no runs or kennels)
 18. New and used Automobile sales, service and repair; watercraft and motorcycle sales service and repair on lots of not less than one (1) acre
 19. Carpet and upholstery cleaning service
 20. Plumbing sales, retail, and wholesale, and repair services; air conditioning/heating sales and service – No outdoor storage
 21. Radio and television sales, and repair services
 22. Outdoor storage and display of products, equipment or materials normally sold outdoors and where the sale of said items are normally a part of the business operations on that property.
 23. Commercial printing establishments, newspaper publishing and specialty printing providing that the business is conducted in an enclosed building and does not require outside storage of materials or products;
 24. Shopping centers located on minimum sites of one (1) acre on an existing or proposed arterial street;
 25. Automotive repair services (minor and major): See section _____ Screening Ordinance.
 26. Outdoor sales located on minimum sites of two (2) acres.
 27. Outdoor recreational and entertainment uses in which all or part of the activities are conducted out-of-doors, such as golf driving or putting courses, amusement parks, drive-in theaters, etc.;
 28. Veterinary clinics with outside dog runs;
 29. Farm and garden supply feed store, yard and garden centers, nurseries, and greenhouse operations;
 30. Carwashes/vacuum cleaner stations and quick car care clinics (lubrication, tune-up, etc.);
 31. Laundromats;

32. Cinemas

Uses Permitted by Special Exception:

1. Nightclubs;
2. Wireless Communication towers;
3. Public/Quasi-Public uses see Section 410.4;
4. Railroads and railroad spur tracks;
5. Mini storage buildings with a 2 acre minimum site;
6. Truck stops.
7. Convenience stores/grocery stores with fuel pumps.

Required Lot Area and Lot Width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Percentage of Lot Coverage: principal and accessory buildings shall not cover more than 50% of the lot.

Yards Required:

Front yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Side yard: 5' where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

Buffer Zone for Vicksburg National Military Park. - See Section 410

500.11 WARRENTON ROAD DISTRICT (11)

Intent: This district is largely undeveloped and is open for new ideas for development. Because of topography problems along Warrenton Road, the intent of this neighborhood district is to provide for large lot residential uses and low density residential uses along Warrenton Road and some dockside gaming and Heavy Industrial uses along the riverfront. Heavy Intensity Commercial uses are expected to locate along U.S. Highway 61 South. Some Heavy Industrial uses are expected to locate along the railway.

500.11.1 (ER) ESTATE RESIDENTIAL ZONE

Purpose: The purpose of this district is to provide for large lot, low-density residential development for persons desiring the amenities afforded by more spacious surroundings. This district also includes some agricultural uses as listed below.

Land Uses Permitted:

1. Single-family detached dwellings with only one (1) dwelling per lot.
 - a) site-built homes
2. Accessory uses and structures associated with the use of land for residential purposes.
3. Most agricultural uses, such as ponds for livestock, fish, or fowl; horse farms; agricultural buildings and structures.
4. Veterinary hospital with indoor run.

Uses Permitted by Special Exceptions:

1. Public/Quasi-Public facilities and utilities in Connection with Section 404.5 and other regulations of this Code.

Dimensional Requirements:

Minimum Lot Area: A minimum of one (1) acre.

Minimum Lot Width: No minimum.

Minimum Yard Setbacks: Setbacks should be similar to adjacent Residential Estate properties if topography permits.

1. Front yard: No minimum.
2. Side yards: No minimum
3. Rear yard: No minimum

Swimming Pools: See Section _____.

Off-Street Parking Requirements: See Section 402.

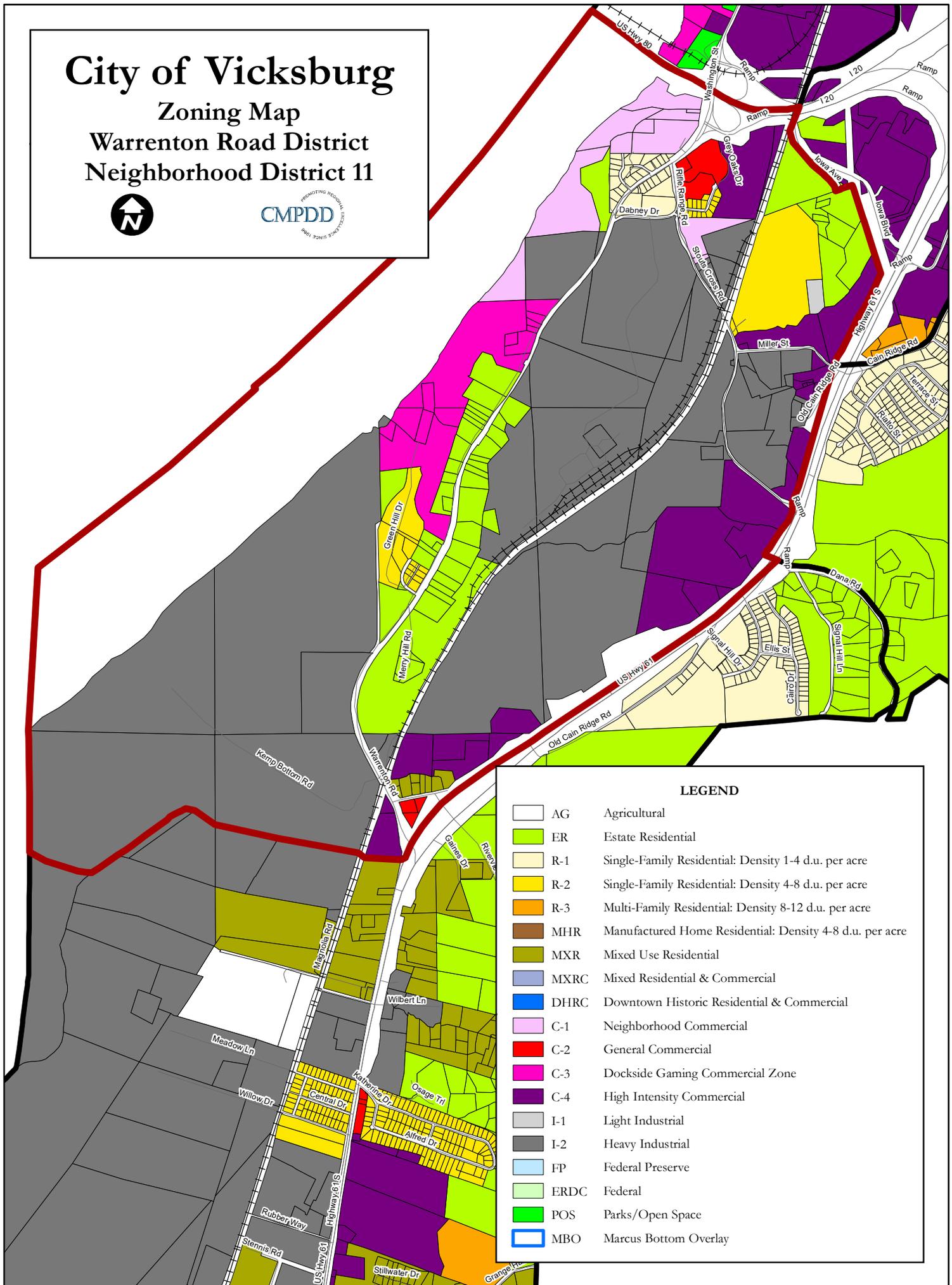
Signs: See Section 403

City of Vicksburg

Zoning Map

Warrenton Road District

Neighborhood District 11



LEGEND

	AG	Agricultural
	ER	Estate Residential
	R-1	Single-Family Residential: Density 1-4 d.u. per acre
	R-2	Single-Family Residential: Density 4-8 d.u. per acre
	R-3	Multi-Family Residential: Density 8-12 d.u. per acre
	MHR	Manufactured Home Residential: Density 4-8 d.u. per acre
	MXR	Mixed Use Residential
	MXRC	Mixed Residential & Commercial
	DHRC	Downtown Historic Residential & Commercial
	C-1	Neighborhood Commercial
	C-2	General Commercial
	C-3	Dockside Gaming Commercial Zone
	C-4	High Intensity Commercial
	I-1	Light Industrial
	I-2	Heavy Industrial
	FP	Federal Preserve
	ERDC	Federal
	POS	Parks/Open Space
	MBO	Marcus Bottom Overlay

Landscape Plan: See Section 614.

500.11.2 (R-1) SINGLE-FAMILY RESIDENTIAL ZONE.

Purpose: The purpose of this zone is to promote the development of low density single-family detached dwellings on relatively large lots of at least 10,000 square feet. The maximum density is 4 dwelling units per acre.

Uses Permitted.

1. Site-built single-family dwellings and accessory structures – 1 per parcel

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses - see Section 404.5

Required Lot Area and Lot Width. Every dwelling shall be located on minimum lot of not less than 8,000 square feet in area and shall have a width determined at the building setback line of not less than 60 feet.

Percentage of Lot Coverage. Buildings, including accessory structures, shall not cover more than forty-five (45) percent of the area of any lot.

Yards Required:

Front yards: The building must be sited on the lot to have a similar setback as other buildings on the street.

Side yards: none required.

Rear yards: none required.

Yards of Public or Quasi-public Buildings. All public or semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of 10 feet from the respective lot line.

Parking: see Section 402.

Signs: see Section 403

500.11.3 (MXR) MIXED RESIDENTIAL ZONE

Purpose: To provide for mixed residential uses along major thoroughfares.

Permitted Uses:

1. Single-family dwellings – 1 per parcel

- A. Site-built dwellings,
- B. Modular dwellings,
- C. Manufactured homes,
2. Two-family dwellings
3. Multifamily Residential (must follow guidelines in Section R-3)
4. Accessory structures.

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses see Section 410.4

Required Lot Area and Lot Width: minimum lot of not less than 5,000 sq. ft. in area for single-family dwellings and shall have a width determined at the building setback line of not less than 50 feet.

Every two-family residence shall be located on a lot or lots of not less than 8,000 square feet in area and shall have a width determined at the building setback line of not less than 50 feet.

Yards Required:

Front yard: Residential - The building must be sited on the lot to have the same setback as other buildings on the street.

Side yard: 5 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 10 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

500.11.4 (C-1) NEIGHBORHOOD COMMERCIAL ZONE

Purpose: To provide for low intensity commercial uses on major streets near residential neighborhoods. These uses do not generate high volumes of traffic and generally serve the neighborhood's residents. The character of such uses is that they are to be compatible with the residential nature of the area.

Permitted Uses:

1. Professional office space: law, medical, engineering, architecture, accounting, insurance, real estate, information technology, etc.
2. Limited retail, service, and restaurant uses:

Uses Permitted by Special Exception:

1. Radio stations
2. Class B Child Care Centers
3. Floral shops
4. Studios, music, dance, art, photographic, and martial arts
5. Shoe repair shops
6. Hair salons and barber shops
7. Nursing homes
8. museums

Required Lot Area and Lot Width: To accommodate all ordinance design requirements.

Percentage of Lot Coverage: None required.

Yards required:

Front Yard: 10 feet

Side Yard: 5 feet

Rear Yard: 5 feet

Parking: See Section 402.

Signs: See Section 403.

Landscape Plan: See Section 614.

500.11.5 (C-2) GENERAL COMMERCIAL ZONE

Purpose: The purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility along South Washington Street.

Permitted Uses:

1. Retail stores
2. Service stations including vehicle repairs (except body repairs), provided that all vehicle repairs except those of 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
3. Convenience stores without fuel pumps
4. Shoe repair shop or similar service establishment
5. Banks

6. Class B child care facilities, and adult daycare facilities with less than 24 hour service
7. Laundromat and dry cleaners
8. Cleaning and laundry pick-up station
9. Full service restaurants
10. Fast Food Restaurants
11. Business & professional offices which include, but are not limited to, privately owned medical or dental clinics
12. Studios of artists or photographers
13. Personal service shops for barber and beauty shops, gymnasiums, martial arts studios, health clubs;
14. Animal hospitals and pet shops (provided there are no runs or kennels)
15. Carpet and upholstery cleaning service
16. Plumbing sales, retail, and wholesale, and repair services; air conditioning/heating sales and service – No outdoor storage
17. Radio and television sales, and repair services

Uses Permitted by Special Exception:

1. Automotive repair services (minor and major): See Section ____, Screening Ordinance.
2. Convenience stores/grocery stores with fuel pumps
3. Public and or quasi-public uses, Section 410.4;

Required Lot Area and Lot Width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Percentage of Lot Coverage: principal and accessory buildings shall not cover more than 50% of the lot.

Yards Required:

Front yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Side yard: 5' where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

Buffer Zone for Vicksburg National Military Park. - See Section 410.

Landscape Plan:: see Section 614.

500.11.6 (C-3) DOCKSIDE GAMING COMMERCIAL ZONE

Purpose: To provide for dockside gaming and casinos in appropriate locations.

Permitted Uses:

1. Dockside gaming, see Dockside Gaming Ordinance.
2. Professional offices.

Uses Permitted by Special Exception:

1. Public Quasi-public uses, see Section 410.4

Dimensional Requirements:

Height Limit: Maximum 65 feet or in accordance with the adopted building code, whichever is less.

Front yard: 75 feet.

Side yards: 25 feet.

Rear yards: 50 feet.

Yards for Public and Semipublic Buildings: All public and semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

Landscape Plan: See Landscaping Ordinance.

Signs: See Section 403.

Parking: See Section 402.

500.11.7 (C-4) HIGH INTENSITY COMMERCIAL ZONE

Purpose: to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility along South Washington Street.

Permitted Uses:

1. Outdoor storage and display of products, equipment or materials normally sold outdoors and where the sale of said items is normally a part of the business operations on that property.
2. Watercraft (marine) sales and service.
3. Pawn shops
4. Retail, sales and rentals with outdoor storage.
5. Hotel and motel uses
6. Recreational Vehicle (RV) park.
7. Car rental
8. Commercial parking lot
9. Construction company with outdoor storage.
10. Veterinary hospital with indoor run

Uses Permitted by Special Exception:

1. Automotive repair services (minor and major): See Section ____, Screening Ordinance.
2. Public and or quasi-public uses, Section 404.5;

Required Lot Area and Lot Width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Percentage of Lot Coverage: principal and accessory buildings shall not cover more than 50% of the lot.

Yards Required:

Front yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Side yard: 5' where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

Buffer zone for Vicksburg National Military Park. - See Section 410.

Landscape Plan: see Section 614.

500.11.8 (I-I) LIGHT INDUSTRIAL ZONE

Industrial Uses Permitted.

1. Solid Waste Transfer Station
2. Manufacturing
3. Mini storage, 2 acre minimum site;
4. Welding/Industrial supply
5. Warehouses
6. Dry Cleaning - Industrial

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses see Section 410.4

Yards for Public and Semipublic Buildings. All public and semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

Landscaping: There shall be a landscape buffer along all property lines between adjacent property lines.

Signs: see Section 403.

Parking: see Section 402.

Commercial Uses Permitted

1. Dockside gaming see Section 407
2. Professional offices
3. Wholesale/Retail

Height Limit: Maximum 65 feet or in accordance with the adopted building code whichever is less.

Front yards. 25 feet

Side yard. 5 feet

Rear yards. 25 feet

Yards for public and semipublic buildings. All public and semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

Landscape Plan: see Section 614.

Signs: see Section 403.

Parking: see Section 402.

500.11.9 (I-2) HEAVY INDUSTRIAL ZONE

Industrial Uses Permitted.

1. Petroleum storage
2. Tank barge transporting and harboring
3. Rock yard
4. Asphalt plant
5. Concrete plant
6. Waste water plant
7. Power plant
8. Warehouse/distribution

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses see Section 404.5

Height Limit: Maximum 65 feet or in accordance with the adopted building code whichever is less along west side of Warrenton Road.

Yards for Public and Semipublic Buildings. All public and semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

Landscape Plan: There shall be a landscape buffer along all property lines between adjacent property lines.

Signs: see Section 403

Parking: see Section 402.

Commercial uses permitted

1. Dockside gaming, see Section 409
2. Professional offices
3. Multifamily (See R-3 district)

Uses permitted by special exception:

1. Public or quasi public uses, see Section 410.4

Height Limit: Maximum 65 feet or in accordance with the adopted building code whichever is less.

Yards for public and semipublic buildings. All public and semipublic buildings, including accessory buildings, shall provide the same front yard

as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

Landscape Plan: see Section 614

Signs: see Section 403.

Parking: see Section 402.

500.12 61 SOUTH DISTRICT (12)

Intent: It is the intent of this neighborhood district to allow for a variety of residential, commercial, and industrial uses along the Highway 61 South corridor. It is further the intent of this district to improve the aesthetics of the streetscape with landscaping and architectural standards.

500.12.1 (ER) ESTATE RESIDENTIAL ZONE

Purpose: The purpose of this zone is to provide for large lot, low-density residential development for persons desiring the amenities afforded by more spacious surroundings.

Land Uses Permitted:

1. Site-built single-family detached dwellings with only one (1) dwelling per lot.
2. Accessory uses and structures associated with the use of land for residential purposes.
3. Home occupations in compliance with Section 404.10.
4. Livestock shall be kept on a tract or lot of one (1) acre of land or greater (one acre of land per animal is required). 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 not closer than 50 feet from any adjoining property lines or street right-of-way line. In accordance with the Chapter 4 Animals and Fowls of the City of Vicksburg, no hogs, pigs, or other swine shall be kept in the City of Vicksburg.

Uses Permitted by Special Exceptions:

1. Public/Quasi-Public facilities and utilities in Connection with Section 404.5. and other regulations of this Code.
2. Class A Child care facilities

Dimensional Requirements:

Minimum Lot Area: One acre.

Minimum Lot Width: 150 feet.

Minimum Yards:

1. Front yard: 35 feet from the existing or proposed street right-of-way line to the building setback line.
2. Side yards: 10 feet
3. Rear yard: 25 feet

City of Vicksburg

Zoning Map

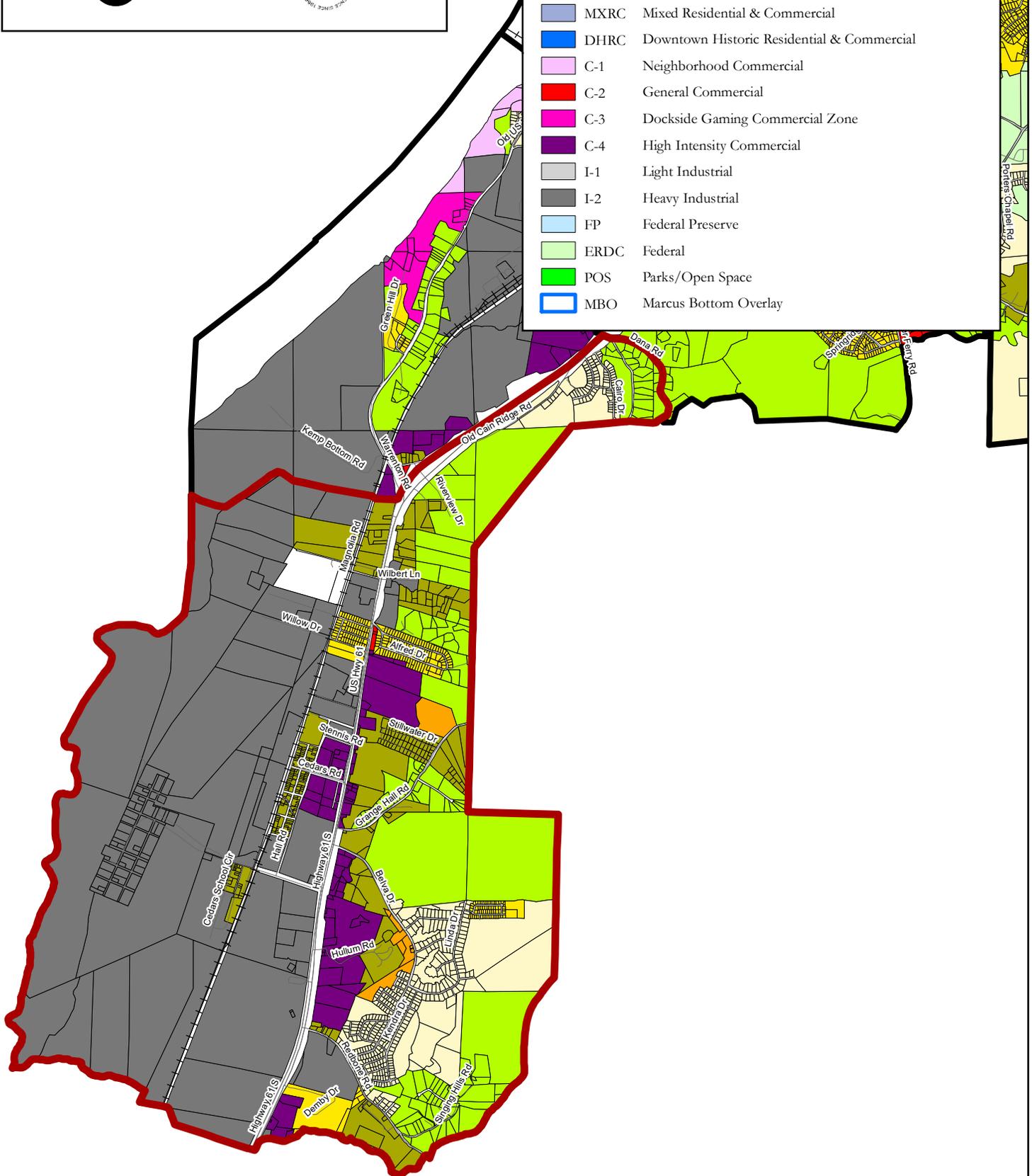
Highway 61 South District

Neighborhood District 12



LEGEND

	AG	Agricultural
	ER	Estate Residential
	R-1	Single-Family Residential: Density 1-4 d.u. per acre
	R-2	Single-Family Residential: Density 4-8 d.u. per acre
	R-3	Multi-Family Residential: Density 8-12 d.u. per acre
	MHR	Manufactured Home Residential: Density 4-8 d.u. per acre
	MXR	Mixed Use Residential
	MXRC	Mixed Residential & Commercial
	DHRC	Downtown Historic Residential & Commercial
	C-1	Neighborhood Commercial
	C-2	General Commercial
	C-3	Dockside Gaming Commercial Zone
	C-4	High Intensity Commercial
	I-1	Light Industrial
	I-2	Heavy Industrial
	FP	Federal Preserve
	ERDC	Federal
	POS	Parks/Open Space
	MBO	Marcus Bottom Overlay



Swimming Pools: See Section 4_____.

Off-Street Parking Requirements: See Section 402.

Signs: See Section 403.

500.12.2 (R-1) SINGLE-FAMILY RESIDENTIAL ZONE. (low density)

Uses Permitted.

1. Single-family dwellings and accessory structures – 1 per parcel
 - a) Site-built homes

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses - see Section 404.5

Required Lot Area and Lot Width. Every dwelling shall be located on minimum lot of not less than 10,000 square feet in area and shall have a width determined at the building setback line of not less than 60 feet.

Percentage of Lot Coverage. Buildings, including accessory structures, shall not cover more than thirty-five (35) percent of the area of any lot.

Yards required:

Front yards: The building must be sited on the lot to have the same setback as other buildings on the street.

Side yards: 10 feet.

Rear yards: 25 feet.

Yards of public or quasi-public buildings. All public or semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback for such buildings of 10 feet from the respective lot line.

Parking: see Section 402.

Signs: see Section 403.

500.12.3 (R-2) SINGLE-FAMILY RESIDENTIAL ZONE. (medium density)

Purpose:

Uses permitted.

1. Single-family dwellings and accessory structures.
 - a) Site-built homes

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses see Section 410.4

Required Lot Area and Lot Width. Every dwelling shall be located on a single lot of not less than 6,000 square feet in area and shall have a width determined at the building setback line of not less than 50 feet.

Percentage of coverage. Buildings, including accessory buildings and structures, shall not cover more than thirty-five (35) percent of the area of any lot.

Yards required.

Front yards: The building must be sited on the lot to have the same setback as other buildings on the street.

Side yard: 5 feet.

Rear yards: 10 feet.

Yards for public and semipublic buildings. All public and semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

Parking: See Section 402.

Signs: See Section 403.

500.12.4 R-3 MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3)

Purpose: 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) residential districts and higher intensity uses, such as commercial uses or industrial (I-1) uses, that are not compatible with lower density residential environment. Multiple Family Residential districts (R-3) shall have access directly only streets/highways that are classified as principal arterials or minor arterials on the adopted

Thoroughfares Plan; such access shall not be provided by means of a driveway through land zoned for other purposes or by means of a driveway through other property that is not a part of the proposed multi-family development.

All multi-family residential uses shall be property landscaped and screened from other uses and access/egress to apartment or condominium complexes shall be provided in accordance with Section 614. Landscape Section.

Entrances to all units must be through an interior hallway. No outside entrance will be allowed excluding patio entrances on ground floors.

Permitted Uses: The following uses are permitted outright in the R-3 districts subject to the regulations prescribed herein.

1. Multi-family dwellings including apartments and condominiums as defined in the Definitions Section of this ordinance – new.
2. Accessory uses or structures in multi-family residential complexes, including laundromats, vending machine center, recreational buildings, swimming pools, tennis courts, and similar uses and structures incidental to multi-family buildings. Such uses and structures shall be reserved exclusively for use by residents of the multi-family complex.

Uses Permitted by Special Exception:

1. Public/Quasi-Public Uses, see Section 410.4
2. Railroad and railroad spur tracks

Lot Area and Dimensional Requirements for All Multi-Family Uses:

Minimum lot area: Five (5) acres, but not more than 20 acres and not adjacent to existing or proposed multi-family housing.

Maximum Density: Ten (10) dwelling units per gross acre.

Minimum Lot Width: 200 feet at the required building setback line.

Percentage of Lot Coverage: Not more than 40 percent of the area of any lot.

Minimum Yards:

1. Front yard: 50 feet with a 25 foot landscape buffer.
2. Side and rear yard: 50 with a 25 foot landscape buffer.
3. Minimum space between buildings: 30 feet.

Requirements For Off-Street Parking and Loading Requirements: See Section 402. .

Signs: See Section 403.

Site Plan Required: The developer of any apartment or condominium complex shall submit a site plan to the Community Development Department in accordance with Section 612 his ordinance.

Required Open Space Reservation For All Multi-Family Residential Developments: A minimum of 30 percent 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. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the apartments or condominiums. The sit plan shall include the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities. On-site maintenance, management and security is required.

Maximum Amount of Common Open Space Covered by Water: No more than 50 percent of the required amount of open space may be covered by lakes or ponds.

Steep Slopes: In reviewing the preliminary subdivision plat for a proposed apartment or condominium complex, the Planning and Zoning Commission shall determine if any land containing slopes of 12 percent 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 Site Plan and Preliminary Plat Review Committee shall make a decision as to whether or not any steep sloped land should be approved for use in meeting the requirements of this Section.

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 Site Plan and Preliminary Plat Review Committee as part of the site plan review process. All open space improvements shall be shown on the site plan. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

Staged Development of a Multi-Family Residential Development:

If a multi-family residential development is to be developed in stages or parts, 30 percent of the gross site area of each part shall be reserved for open space.

Required Landscaping Along Arterial Streets: Developers of multi-family residential uses in R-3 zones shall comply with the Landscaping Section 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 or child care facilities shall also comply with Section 410.4.

Water and Sewer Connections: The City of Vicksburg utilities will notify developer of water and sewer connections and type of meters.

Dumpster Ordinance: See Section 11-117(c).

Parking: see Section 402.

Signs: see Section 403.

Landscape Plan: see Section 614.

500.12.5 (MXR) MIXED USE RESIDENTIAL ZONE

Purpose:

Permitted uses not fronting Hwy 61 South:

1. Single-family dwelling and accessory structures – 1 per parcel
 - a) site-built homes
 - b) modular homes
 - c) manufactured homes
2. Two-Family dwellings

Uses Permitted by Special Exception Not Fronting Hwy 61 South:

1. Public/Quasi-Public uses see Section 410.4

Height Limit:

Yards:

Front yard: Residential - The building must be sited on the lot to have the same setback as other buildings on the street. Commercial - The building must be sited on the lot to have the same setback as other buildings within 100' on either side. Where a commercial property abuts a residential district a 5 foot landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Side yard: 5 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 10 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

500.12.7 (C-2) GENERAL COMMERCIAL ZONE

Purpose: The purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility along South Washington Street.

Permitted Uses:

1. Retail stores
2. Service stations including vehicle repairs (except body repairs), provided that all vehicle repairs except those of 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
3. Convenience stores without fuel pumps
4. Shoe repair shop or similar service establishment
5. Banks
6. Class B child care facilities, and adult daycare facilities with less than 24 hour service
7. Laundromat and dry cleaners
8. Cleaning and laundry pick-up station
9. Full service restaurants
10. Fast Food Restaurants
11. Business & professional offices which include, but are not limited to, privately owned medical or dental clinics
12. Studios of artists or photographers
13. Personal service shops for barber and beauty shops, gymnasiums, martial arts studios, health clubs;
14. Animal hospitals and pet shops (provided there are no runs or kennels)
15. Carpet and upholstery cleaning service
16. Plumbing sales, retail, and wholesale, and repair services; air conditioning/heating sales and service – No outdoor storage
17. Radio and television sales, and repair services

Uses Permitted by Special Exception:

4. Automotive repair services (minor and major): See Section ____, Screening Ordinance.
5. Convenience stores/grocery stores with fuel pumps
6. Public and or quasi-public uses, Section 410.4;

Required Lot Area and Lot Width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Percentage of Lot Coverage: principal and accessory buildings shall not cover more than 50% of the lot.

Yards Required:

Front yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Side yard: 5' where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

Buffer Zone for Vicksburg National Military Park. - See Section 410.

Landscape Plan:: see Section 614.

500.12.8 (C-4) HIGH INTENSITY COMMERCIAL ZONE

Purpose: to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility along South Washington Street.

Permitted Uses:

11. Outdoor storage and display of products, equipment or materials normally sold outdoors and where the sale of said items is normally a part of the business operations on that property.
12. Watercraft (marine) sales and service.
13. Pawn shops
14. Retail, sales and rentals with outdoor storage.
15. Hotel and motel uses
16. Recreational Vehicle (RV) park.
17. Car rental
18. Commercial parking lot
19. Construction company with outdoor storage.
20. Veterinary hospital with indoor run

Uses Permitted by Special Exception:

1. Automotive repair services (minor and major);
2. Public and or quasi-public uses, Section 410.4;

Required Lot Area and Lot Width: No restrictions except to satisfy the requirements for percentage of lot coverage, yard requirements and off-street parking

Percentage of Lot Coverage: principal and accessory buildings shall not cover more than 50% of the lot.

Yards Required:

Front yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Side yard: 5' where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Rear yard: 25 feet where a property abuts a residential district a landscape buffer shall be installed and maintained in accordance with the Landscape Ordinance.

Parking: see Section 402.

Signs: see Section 403.

Buffer zone for Vicksburg National Military Park. - See Section 410.

Landscape Plan: see Section 614.

500.12.9 (L-I) LIGHT INDUSTRIAL ZONE

Purpose:

Industrial Uses Permitted.

1. Solid Waste Transfer Station
2. Manufacturing
3. Mini storage, 2 acre minimum site;
4. Welding/Industrial supply
5. Warehouses
6. Dry Cleaning - Industrial

Uses Permitted by Special Exception:

1. Public/Quasi-Public uses see Section 410.4

Yards For Public and Semipublic Buildings. All public and semipublic buildings, including accessory buildings, shall provide the same front yard

as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

Landscaping: There shall be a landscape buffer along all property lines between adjacent property lines.

Signs: see Section 403

Parking: see Section 402.

Commercial uses permitted

1. Dockside gaming see Section 407
2. Professional offices
3. Wholesale/Retail

Uses permitted by special exception:

1. Public or quasi-public uses, see Section 410.4

Height Limit: Maximum 65 feet or in accordance with the adopted building code whichever is less.

Front yards. 25 feet

Side yard. 5 feet

Rear yards. 25 feet

Yards for Public and Semipublic Buildings. All public and semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of ten (10) feet from any lot line.

Landscape Plan: See Section 614.

Signs: see Section 403

Parking: see Section 402.

500.12.10 (AG) AGRICULTURAL ZONE

Purpose: The purpose of this district is to conserve land for agricultural use, to prevent the premature development of land, and to prevent urban and agricultural land use conflicts. It is the intent of this Code to prevent disorderly scattering of residences on small lots and to prevent the establishment of other urban land uses that would require unreasonable expenditures for public improvements and services.

Permitted Uses:

1. Agricultural uses, buildings and structures;
2. Single-family dwellings;

Uses Permitted by Special Exception.

1. Country club/golf course, driving range;
2. Radio and television transmission tower;
3. Riding academy;
4. Veterinary hospital/clinic, permitting boarding of animals with indoor or outdoor runs;
5. Funeral home, cemetery, mortuary, mausoleum, and crematorium;
6. Recreational vehicle campground park; - See Section 404.9
7. Privately owned and operated recreational facilities open to the public located on an arterial street and which do not sell alcoholic beverages (such as sports complexes)
8. Stockyard and stock auction barn;
9. Slaughter houses;
10. Animal hospital, permitting housing and/or boarding of animals and runs;
11. Lumberyards;
12. Sale or repair of construction or farm equipment
13. Public/Quasi-Public uses see Section 410.4

Lot Area and Setback Requirements. District development density not more than one (1) dwelling per acre (not including accessory apartments).

1. Lot area: a minimum of one (1) acre.
2. Front yard setback: the front yard building setback line shall be a minimum of 50 feet measured from the existing right-of-way line of any street or road.
3. Side yard setback: there shall be a minimum side yard setback of 25 feet as measured from the side lot line to the nearest building.
4. Rear yard setback: set back shall be a minimum of 25 feet, measured from the rear lot line to the nearest building.

Off-street parking and loading requirements: see Section 402.

Signs and Outdoor Advertising: see Section 403.

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

SECTION 600. PURPOSE:

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

SECTION 601. DUTIES, POWERS, AND LIMITATIONS OF ZONING ADMINISTRATOR.

The community development director or his designee as designated by the mayor and aldermen shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the mayor and aldermen direct.

If the community development director or his designee finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation and order the action necessary to correct it. He shall order discontinuance of illegal buildings, structures, signs or additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the zoning administrator (the community development director or his designee) and that such questions shall be presented to the Planning and Zoning Commission only on appeal from the decision of the community development director or his designee, and that recourse from the decisions of the planning and zoning commission may be made to the mayor and aldermen of the City of Vicksburg.

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

601.1 Duties of Zoning Administrator:

1. To coordinate all matters relating to this Ordinance with, as appropriate, the building inspector, and other city officials;
2. To provide application forms to the public on matters relating to zoning and determine the adequacy of each application before forwarding it to the Planning and Zoning Commission;
3. To maintain, or to be responsible for, the maintenance of the Official Zoning Map in good useful condition and properly recording on that map all zoning amendments (rezonings);
4. To provide administrative interpretations and determinations of new and unlisted uses;

5. To issue letters of zoning approval for new building construction;
6. To receive and make recommendations on all applications for dimensional variances, special exceptions, zoning amendments (re-zonings), and administrative interpretations;
7. To receive and take appropriate action on all site plans submitted in accordance with this ordinance, including forwarding copies of site plans and associated materials to the proper individuals or review bodies;
8. To check construction (or use conversion) performed under zoning-related permitted to determine if the work (or use conversion) meets the requirements before issuing a certificate of occupancy;
9. To advertise public hearings as required by this ordinance. (Note: the administrative and enforcing officer may simply notify the City Clerk than an advertisement of a public hearing is needed, and the City Clerk may actually transmit the required notice to the appropriate newspaper);
10. To appear before the Planning and Zoning Commission and the Board of Mayor and Aldermen to furnish information and recommendations helpful to those bodies in carrying out their assigned function;
11. To make periodic checks for violations of this ordinance and notifying in writing the person(s) responsible for the violations of the ordinance, indicating the nature of the violation and ordering the action necessary to correct it;
12. To keep records pertaining to zoning matters.

SECTION 602. ADMINISTRATIVE ZONING APPROVAL.

602.1 Zoning approval shall be required for new construction for residential, multi-family, commercial or industrial buildings and any changes to the footprint of any residential, multi-family, commercial or industrial buildings. Zoning approval shall be required for all accessory buildings. Refer to the City of Vicksburg’s Policies and Procedures for Obtaining a Building Permit. Zoning approval shall also be required for any change of use for a residential or non-residential structure.

The community development director or his designee shall maintain a record of all letters of zoning approval, and copies shall be furnished upon request to any person at a cost of reproduction.

Failure to obtain a letter of zoning approval shall be a violation of this ordinance and punishable under Section 610 of this ordinance.

SECTION 603. ESTABLISHMENT OF THE ZONING AND PLANNING AND ZONING COMMISSION.

603.1 Establishment. The Planning and Zoning Commission is hereby established and shall consist of the seven member Planning and Zoning Commission appointed by the mayor and

aldermen of the City of Vicksburg. If a member misses three (3) consecutive meetings, the member may be removed from the Planning and Zoning Commission.

603.2 Meetings. The zoning and Planning and Zoning Commission shall schedule at least one (1) meeting each month. Such meetings may be scheduled on the same date and in the same place as the regularly scheduled meeting of the zoning and Planning and Zoning Commission.

The zoning and Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, the fact of such absence or failure to votes shall be spread on the minutes. The final disposition of appeals shall be by recorded resolution setting forth the reasons of the board therefore, all of which shall be of public record.

The commission shall make findings that the requirements of this ordinance for variances, special exceptions, and zoning changes have been met by the applicant.

The commission shall further make a finding that the reasons set forth in the application justify the granting of the variance, special exception, or zoning change.

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

603.3 Decisions of the Commission. The exercising the above-mentioned powers, the board may, as long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the community development director or his designee from whom the appeal is taken.

The concurring vote of four (4) members of the commission shall be necessary to reverse any order, requirement, decision or determination of the community development director or his designee, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variance in the application of this ordinance.

603.3 Filing Fees. The following filing fees are established for handling, publishing and processing matters before the zoning and Planning and Zoning Commission and the mayor and aldermen of the City of Vicksburg:

a.	Zone amendment application	\$150.00
b.	Special exception application	\$100.00
c.	Variance application	\$100.00
d.	Postponement by petitioner	\$ 50.00
e.	Renewal of special exception	\$ 50.00

- | | | |
|----|-------------------------------|----------|
| f. | Planned unit development | \$300.00 |
| g. | Wireless communications tower | \$500.00 |

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

SECTION 604. POWERS AND DUTIES OF THE ZONING AND PLANNING AND ZONING COMMISSION.

604.1 Purpose: It is the purpose of this section 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 that are concerned with the administration and enforcement of this ordinance.

604.2 Administrative Review: The zoning and Planning and Zoning Commission is empowered to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or interpretation made by the administrative official in the enforcement of this ordinance.

604.3 Special Exceptions: The zoning and Planning and Zoning Commission is empowered to hear and decide whether or not proposed special exceptions authorized under this ordinance should be granted. Additionally, the zoning administrator must review and make recommendations on each special exception application.

604.4 Dimensional Variances: The zoning and Planning and Zoning Commission is empowered to hear and decide on applications for dimensional variances.

604.5 Amendments to Zoning Ordinance (text or map): To review and make recommendations on applications for amending the ordinance text or map.

604.6 Public Hearings: To hold public hearings on the above duties and to make recommendations to the Board of Mayor and Aldermen in writing that may be in the form of minutes.

SECTION 605. ADMINISTRATIVE PERMITS AND INTERPRETATIONS: APPLICATION PROCEDURES AND STANDARDS FOR MAKING DECISIONS.

605.1 Administrative Permits, Administrative Interpretation and Determination of New and Unlisted Uses: It is recognized that new types of land use will develop and forms of land use not anticipated and listed may seek to locate in the City of Vicksburg. In order

to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

1. The question concerning any new or unlisted use shall be referred to the zoning administrator requesting an interpretation as to the zoning classification into which the use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves such characteristics as dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed or open storage, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated, and the degree of compatibility of the use.
2. The zoning administrator must first determine if the proposed use is in harmony with the purpose and intent of this ordinance.
3. The zoning administrator must then determine if the proposed use is in harmony with the purpose and intent of the district.
4. The zoning administrator may require conditions to be met to make the use compatible with the district.
5. The zoning administrator shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determines the zoning district or districts within such use should be permitted.
6. The zoning administrator shall keep a permanent record of the findings and determination for future reference.
7. The zoning administrator may, upon his own initiative, make such a determination.
8. Negative findings by the zoning administrator may be appealed to the planning commission on grounds of error in his determination.
9. Upon making his determination, and if there is no appeal, the zoning administrator shall notify any other officer or agency of the city likely to be affected by such ruling. In particular the Planning and Zoning Commission shall be notified to obtain their comments.
10. Such determinations are binding on all officers and agencies of the city as an administrative ruling, and may be included as an amendment to the zoning ordinance when subsequent amendment items are considered by the Mayor and Aldermen and the Planning and Zoning Commission, and if the proposed use is sufficiently common to justify a text amendment.

11. Uses deemed to be incompatible as permitted uses may be considered as uses allowed by special exception in that zone.
12. A formal application may be filed with the zoning administrator addressing all the characteristics listed in item “1” above, or an applicant may simply send the zoning administrator a letter describing his proposed use, buildings, structures, and site activities and requesting a hearing before the Planning and Zoning Commission.
13. New or unlisted uses may be allowed by right, by right with qualification, by special exception, as an ancillary or accessory use, or as a home occupation.
14. Decisions of the zoning administrator shall be deemed final unless, within not more than ten (10) working days of the date such decision was rendered; a written notice of appeal is filed. Such notice of appeal, specifying the grounds thereof, shall be filed with the zoning administrator for transmission to the planning and zoning commission and docketed on their next available board meeting.

SECTION 606. SPECIAL EXCEPTIONS

606.1 Purposes of Special Exceptions:

1. The development and implementation of this zoning ordinance is based upon the division of the community into districts, within which the use of land and buildings, and the bulk and location and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics or nature, require special and intensive review to determine whether they should be permitted in specified locations.
2. These special exceptions also require review based upon standards and the application of special conditions and safeguards if permission is granted in such locations. Special exception procedures and standards as provided herein are intended to assure that such review is made and that appropriate conditions and safeguards are attached. Special exception procedures and standards shall be applied, and granted only in cases specified in this ordinance.
3. Conditions are required for specified uses which must satisfy standards in addition to those generally applicable in a zoning district to eliminate or minimize the potentially harmful characteristics or impact of such conditional uses on the character of the zoning district in which they will be located.

4. A special exception system is hereby established. It is intended that this system shall assure special examination, review, and findings by appropriate agents, agencies or bodies in connection with proposed actions particularly specified in this ordinance.
5. Special exception procedures and standards as set forth herein are intended to apply in relation to use, and to assure consideration of the particular circumstances of each case and the establishment of such conditions and safeguards as are reasonably necessary for protection of the public interest generally, of adjacent properties, the neighborhood, and the jurisdiction as a whole.
6. For the purposes of this ordinance, the term “requirements” refers to the restrictions which apply to all uses in a district, whether permitted as of right or only through a conditional use. They apply automatically to all uses in a zone. “Standards” are the guidelines for use by administrators in making decisions such as for rezonings or variances. They involve the application of stated criteria to given situations. “Conditions” are additional restrictions beyond the stated standards, applied to a particular uses, which might govern, for example, hours of operation or the location of exits and entrances or the type of screening. A violation of the condition is a violation of the ordinance. The above distinctions help to define the way discretion is to be exercised in making the provisions of this ordinance flexible to meet the needs of different situations in particular locations.

606.2 General Procedures and Multiple Applications: Applications for special exceptions may be accompanied by applications for rezonings and/or variances from the zoning ordinance. When this happens, the administrative officer will schedule a simultaneous hearing with the Planning and Zoning Commission to hear and decide the applications with the special exception. These individual procedures must be followed:

1. All applications for special exceptions must first be submitted to the zoning administrator, who reviews them in light of all standards in Section 606.4. Afterwards, the zoning administrator forwards the application and his recommendations to the Planning and Zoning Commission for review, comments and recommendations.
2. After two or more applications are submitted by the same applicant and one is denied, the other application(s) is/are automatically withdrawn from consideration.
3. If one of the applications is approved but with major changes that change the basic premise of the applicant’s other applications, then the other applications (for variance, site plan, air approach height exceptions, and flood hazard encroachments) must be amended and re-filed.

606.3 Action by the Zoning and Planning and Zoning Commission, Findings Required: The hearing shall be held, at which any party may appear in person or by agent or attorney. The zoning and Planning and Zoning Commission must make their decision within a reasonable time thereafter, not to exceed 45 days.

606.4 General Standards: the zoning and Planning and Zoning Commission shall not grant any special exception unless all of the following findings are made:

1. The special exception is in conformity with the city's Comprehensive Plan generally or the Land Use Plan specifically; and with the purpose, intent and applicable standards of this ordinance.
2. The proposed special exception is designated by this ordinance as a special exception in the zoning district in which the property in question is located. Uses that are not specifically listed as special exceptions are prohibited.
3. The proposed special exception will comply with all applicable regulations in the zoning district in which the property in question is located.
4. The proposed use will comply with all special regulations established by this ordinance for such special exception.
5. The establishment or maintenance of the special exception shall not be detrimental to the public health, safety, or general welfare.
6. The special exception shall be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district.
7. The special exception must not be hazardous, detrimental, or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution, erosion, vibration, general unsightliness, electrical interference, or other nuisance.
8. The special exception shall cause minimal adverse environmental effects.
9. No conditions imposed on a special exception as a result of these standards will be so unreasonably difficult as to preclude development of the use.
10. Other information as requested by the zoning administrator.+

606.5 Conditions, Safeguards, and Assurances: The zoning and Planning and Zoning Commission may impose such conditions regarding the special exception as they may deem necessary in the particular case to protect the public interest.

606.6 Special Exception, Apply to Property, Not Person: When granted, a special exception, together with any conditions or safeguards attached, shall apply to the land, structure or use for which it was issued, and not to a particular person.

606.7 Withdrawal of Application: Rehearing If Withdrawn or Denied: An application for a special exception may be withdrawn at any time, but if withdrawn after the department has convened the hearing at which it was to be considered or if denied by the department, substantially the same application shall not be considered within 12 months from date of withdrawal or denial.

606.8 Multiple Applications and Simultaneous Project Review: In the interest of saving time, joint public hearings will be held instead of separate hearings. For projects which require more than one application and public hearing by more than one board or commission, the zoning administrator shall arrange a joint public hearing where the applications shall be heard by members of each body.

606.9 Issuance of Special Exception Approval: Special exception approval must be issued upon certain conditions, such that if an applicant meets the requisite standards specified in the ordinance, the permit must be allowed. Conditions other than those delineated in the ordinance must not be arbitrarily imposed but must be related to the purposes of zoning. Applications may be denied only on proof that the use is detrimental to the public health, safety, and welfare. Reasons for denial must be specific. The zoning and Planning and Zoning Commission is empowered to hear and decide whether or not proposed special exceptions authorized under this ordinance should be granted.

606.10 Requirements for Granting a Special Exception Permit: Any person desiring a special exception shall submit a written application (on a form furnished by the Community Development Department indicating the section in the ordinance under which the special exception is sought and stating the grounds on which it is requested. The zoning and Planning and Zoning Commission may not grant a special exception unless satisfactory provision and arrangement has been made.

1. Required yards and other open space.
2. General compatibility with adjacent properties and other property in the district.
3. Any other provisions deemed applicable by the Planning and Zoning Commission.

606.11 Public hearing required: A public hearing shall be held in accordance with Section 608.6 of this ordinance for all proposed special exceptions.

SECTION 607. DIMENSIONAL VARIANCES

607.1 Purpose: 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 Planning and Zoning Commission is empowered to grant, upon an application relating to such property, a variance from such strict application so as to relieve such difficulties and 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.

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

1. 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. 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 property owners in the same district under the terms of this ordinance.
 - C. That the special conditions and circumstances do not result from the actions of the applicant.
 - D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
 - E. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - F. That the granting of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest.
2. Guidelines for Determining Hardships.

- A. A variance is not the appropriate remedy for a general condition; when:
 - (a) Such hardship is not shared generally by other properties in the same district and the same vicinity.
 - (b) The condition or situation of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.
 - B. Self-inflicted hardship is not grounds for a variance.
 - C. Personal hardship is not grounds for a variance. The hardship must relate to the physical character of the property:
 - (a) The hardship is created by the physical character of the property, including dimensions, topography, or soil conditions, or by other extraordinary situation or condition of such property.
 - (b) Personal hardship shall not be considered as grounds for a variance, since the variance will continue to affect the character of the neighborhood after title to the property has passed to another owner.
 - D. Economic hardship in itself is not grounds for a variance. It may be considered as an element, but there must be other compelling considerations.
 - E. The hardship must be severe and unnecessary in achieving public purposes.
 - F. The variance must not adversely affect adjacent property or the character of the district. This limitation is clear in item 503.4 above of the standards governing variances unless the zoning commission finds that the authorization of such variance will not be of substantial detriment to adjacent property, and that the character of the district will not be changed by the granting of the variance.
3. Guidelines for Determining Practical Difficulties: A practical difficulty is present where the requested dimensional change is minimal and the harm to the applicant denied a variance will be greater than the probable effect on neighboring properties if the variances is granted. The following factors shall be considered in evaluating the costs and benefits of granting the variance:
- A. The nature of the zone in which the property lies.

- B. The character of the immediate vicinity and the permitted uses.
 - C. Whether, if the variance were granted, neighboring property would be seriously affected.
 - D. Whether, if the variance were not granted, it would seriously hinder the owner's efforts to make normal improvements given the property's permitted use.
4. Minor Variances Granted by Zoning Administrator: Many times applications for variances involve less than 10 percent of the required dimensions and usually have no problems connected with them. Therefore, the zoning administrator shall have the authority to grant variances of up to 10 percent of the dimensional requirement. Requests for variances over 10 percent must be heard by the Planning and Zoning Commission. Adjacent property owners are notified of the application. If there is no objection, the zoning administrator may grant the modification without a public hearing.
5. Existence of Nonconforming 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 nonconforming use of lands, structures, or buildings in other districts shall not be considered grounds for issuance of a variance.

(NOTE: Allowing the applicant to construct a building to conform with existing nonconforming buildings in the same area as the proposed variance would not be proper, since the other buildings, although allowed to remain as nonconformities, may be located much too close to the street right-of-way, side or rear property line, etc. for the purpose of this ordinance. Therefore, the variance should prescribe conditions which are as close as possible to the dimensional requirements of this ordinance.)

6. Public Hearing Required: A public hearing shall be held in accordance with Section 608.6 for all variances.
7. Required Findings: No variance shall be issued until the Planning and Zoning Commission has made a finding that the reasons set forth in the application justify the granting of 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 Planning and Zoning Commission has made a finding that the granting of the 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.

SECTION 608. AMENDMENT PROCEDURES

608.1 Type of Amendments/application Required: Amendments to this ordinance include: (1) amendments to the text; and (2) amendments to the official zoning map (rezonings), 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).

608.2 Amendment (rezoning) Application Review Standards: In reviewing applications for amendments to the official zoning map, the zoning and Planning and Zoning Commission in their separate views shall consider the proposed change in relation to the following standards:

1. Rezonings must pass threshold standards: no proposed zoning amendment will receive favorable recommendation unless it passes the following threshold standards for a valid spot zoning:
 - a. The proposal must not be a small parcel of land singled out for a special and privileged treatment.
 - b. The proposed change must be in the public interest and not only for the benefit of a land owner(s).
 - c. The proposed change is consistent with all elements of the comprehensive plan and sound planning principles as follows:
 - (1) If a development proposal falls within one of the use and/or residential density categories indicated on the land use map, the zoning administrator and the zoning and planning commission shall find the proposal consistent with the plan.
 - (2) If a development proposal is not consistent with the land use map, the zoning administrator and the zoning and Planning and Zoning Commission shall review the plans written policies to determine whether the proposal would undermine or conflict with them. If the zoning administrator and the Planning and Zoning Commission determine that the proposal would not conflict with or undermine the plans policies, they shall find the proposal consistent with the plan.
 - (3) If an applicant's property for rezoning falls adjacent to a district having the desired zoning classification, the rezoning proposal may be determined to be consistent as an extension of the adjacent property's zoning classification.
 - d. The proposed change must not create an isolated district unrelated and incompatible to adjacent districts.

608.3 Passing the Threshold Standards Determines If the Rezoning Goes Further: if the rezoning application does not pass the above threshold standards, the proposed amendment will be considered to be an invalid spot zoning and will be denied on that basis. If the proposed zoning change is not in accord with all elements of the city's comprehensive plan, and if the applicant wishes to pursue the zoning change, an amendment to the comprehensive plan will be necessary before proceeding further. If the application passes the above thresholds for a valid spot zoning, then the following review standards shall also be considered:

- a. Whether the existing land use pattern will change and/or possibly increase or overtax the load on public facilities such as schools, utilities, or streets;
- b. Whether existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
- c. Whether changed or changing conditions made the passage of the proposed rezoning necessary. That is, has the character of the neighborhood changed to such an extent as to justify reclassification, and is evidence of a PUBLIC NEED for the rezoning in that location?
- d. Whether the proposed change will adversely influence living conditions and/or property values in the neighborhood;
- e. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety;
- f. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning;
- g. Whether there is evidence of a mistake in the original zoning due to a clerical error;
- h. Whether the proposed change is speculative. A proposed change must have a definite zoning district in mind as well as a proposed intent or purpose for the proposed zoning district.
- i. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district. Designation is assigned, any use permitted in the district is allowable so long as it meets district requirements, and not merely the uses that applicants stat they intend to make of the property involved).

- j. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

608.4 Criteria for Rezoning: No amendment to the official zoning map shall be approved unless the proposed rezoning meets one of the following criteria:

1. 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 of the official zoning map or incorrectly reflecting the Planning and Zoning Commission’s Mayor and Aldermen’s decision in the minutes. “Mistake” DOES NOT mean the that zoning and Planning and Zoning Commission made a mistake in judgment in their prior recommendation to the mayor and aldermen, such as no realizing the full meaning of the zoning classification or mistakenly placing the property in one classification when the evidence indicated that another would have been more appropriate.
2. 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.

608.5 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 recommended to the Mayor and Aldermen unless the proposed rezoning is consistent with all four elements of the adopted Comprehensive Plan of the City of Vicksburg, including the Goals and Objectives, the Land Use Plan, the Transportation Plan, and the Community Facilities Plan.

608.6 Public Hearing Required: In accordance with Section 17-1-17 of the Mississippi Code of 1972, as amended, a public hearing before the Planning and Zoning Commission shall be held on any proposed amendment to the text of this ordinance or the official zoning map following at least 15 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.”

- A. Public hearing before mayor and aldermen unnecessary unless requested by aggrieved party: Following a public hearing held before the zoning and Planning and Zoning Commission on a proposed amendment to this ordinance (either an amendment to the text or official zoning map), it shall NOT be necessary to hold another hearing on the proposed amendment; the Mayor and aldermen may act upon the recommendation of the Planning and Zoning Commission. However, any party aggrieved by the recommendation of the Planning and Zoning Commission shall appeal to the mayor and aldermen with 10 days after the recommendation is made.

- B. Decisions of the Planning and Zoning Commission: The concurring vote of four (4) members shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variance in the application of this ordinance.
- C. Res Jucicata: Upon the submission of an application for a rezoning, and a determination by the zoning and Planning and Zoning Commission that said application should be denied, the zoning and Planning and Zoning Commission shall not accept a subsequent application to rezone the same property or any part thereof to the same classification until the expiration of 12 months from the date of the decision of the zoning and Planning and Zoning Commission denying said application. However, if the application relates to the same property but seeks zoning to a different classification, the doctrine does not apply; and the zoning and Planning and Zoning Commission may consider such a proposed rezoning.
- D. When an ordinance amending text or official zoning map is required a 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 aldermen. Any ordinance amending the official zoning map shall contain findings of fact citing evidence demonstrating compliance with the criteria specified under Section 608.4 of this ordinance.

608.7 Statement of Policy Regarding Changes In Condition In Rezoning Property Within the Present City Limits. It is hereby stated that it shall be the policy of the mayor and aldermen upon any application for zoning reclassification of property zoned on the map attached to this ordinance to consider changing conditions and circumstances dating from January 1, 1965.

608.8 Property Used For Governmental Purposes. All property presently being used for governmental purposes by the City of Vicksburg, or Warren County, or State of Mississippi or by the United States government shall be subject to rezoning by the mayor and aldermen at any time that said property ceases to be used for governmental purposes.

SECTION 609. COMPLAINTS REGARDING VIOLATIONS.

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

SECTION 610. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues following conviction shall be considered a separate offense.

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

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

SECTION 611. APPEALS.

Any person may appeal a ruling of the Planning and Zoning Commission. Such appeal must be made within ten (10) working days of the date of such ruling to the mayor and aldermen by filing with the city clerk a notice of appeal, specifying the grounds of the appeal. Within five (5) working days of receipt of an appeal by the city clerk, the clerk shall notify the secretary of the Planning and Zoning Commission in writing of the appeal and the secretary shall forward to the mayor and aldermen all papers constituting the record upon which the action appealed from was taken. The final disposition of any such appeal shall be in the form of a decision expressed in a resolution of the mayor and aldermen, reversing, modifying or affirming wholly, or in part, the Planning and Zoning Commission's determination. Any person aggrieved at the findings of the mayor and aldermen shall have the right to appeal from the findings of the mayor and aldermen in the form and manner and as required by the laws of Mississippi. All costs of the appeal will be paid by the appellant if the decision of the mayor and aldermen is affirmed.

SECTION 612. SITE PLAN and PRELIMINARY PLAT REVIEW COMMITTEE

612.1 Establishment and Purpose of Site Plan and Preliminary Plat Review Committee.

A Site Plan and Preliminary Plat Review Committee is hereby established, which shall consist of the five members: 1) Community Development Director, 2) Public Works Director, 3) Landscape Architect, 4) Zoning Administrator, and 5) Fire Chief. The Committee is responsible for reviewing site plans, preliminary plats, and final plats.

Site Plan and Preliminary Plat Review Committee shall be required to ensure compliance with the zoning ordinance, building code, subdivision regulations and other applicable ordinances; to provide the developer with one central review of his/ her development proposal; to conserve the

time and efforts of city employees in various departments; and to provide for a speedy processing of applications for building permits on large-scale and other projects. Reference: See Guidelines for Site Plan Plan and Preliminary Plat Review.

612.1.2 Introduction to Site Plan Review. A site plan review shall be required for the following:

1. For all new residential multi-family developments greater than two (2) units.
2. For all additions to residential multi-family developments that increase the number of buildings or enlarge the existing buildings.
3. For all new commercial and industrial buildings.
4. For all additions to commercial and industrial buildings that change or enlarge the footprint of the building.
5. Any proposed planned unit development.
6. Other special cases and projects that may be brought to the committee's attention by the mayor, city council, department of planning and community development, public works, fire prevention or the building and inspections department.
7. Any proposed subdivision, re-subdivision, or re-platting of land subject to the requirements of the subdivision regulations.

612.1.3 Site Plan Review Procedure for Commercial, Industrial, and Multi-Family Developments.

All procedures for permits, amendments and variances shall follow the applicable requirements and procedures as established by city codes or ordinances. Each member of the committee shall give his comments regarding the site plan for the committee's report, and the Community Development Director shall assemble all comments and write a conclusion stating the consensus of the committee. The report shall be signed and approved by the Community Development Director. The report shall be attached to a letter of zoning approval and forwarded to the building official. The developer will be advised by the Community Development Director of any discrepancies or deficiencies noted by any of the departments involved and may appear before the Site Plan and Preliminary Plat Review Committee.

A preliminary site plan, as provided in Section 1004, shall be filed with the Community Development Director whose duty it shall be to submit the plan to the Site Plan and Preliminary Plat Review Committee.

1. Compliance: The Site Plan and Preliminary Plat Review Committee shall confirm

with the Community Development Director that said site plan does or does not comply with all required ordinances of the City of Vicksburg, Mississippi. If the site plan does comply and there is no re-zoning or other consideration pending, the Community Development Director shall forward the approved site plan to the Building Official, and so notify the applicant in writing. If a re-zoning application or other action is pending, he shall forward such approved site plan to the Planning and Zoning Commission and the appropriate city departments as applicable along with a written statement that such action is pending, and so notify the applicant in writing. If the site plan does not comply, the Site Plan and Preliminary Plat Review Committee shall so specify in what respects it does not comply in writing and to the Community Development Director, who shall then notify in writing the applicant of the required corrections for compliance before further processing.

2. Time period for review: In all cases, the Site Plan and Preliminary Plat Review Committee shall have up to or a maximum of thirty (30) days from the date of filing to review and recommend either approval, approval with specific conditions, or disapproval of any site plan.
3. Action of the committee binding: Action of the Site Plan and Preliminary Plat Review Committee shall be binding on all city departments as far as site plan approval for obtaining a building permit is concerned.
4. Approval time period: Should the site development plan be approved and no action taken by the developer, this approval shall be valid for one (1) year from the time of approval, subject to the Community Development Director's review.
5. Re-zoning or other action pending: If re-zoning in whole or in part is required, or if application for a special use permit is made, the Site Plan and Preliminary Plat Review Committee shall review the site plan prior to further processing of the re-zoning application.
6. Right of applicants to appear: Applicants shall have the right to appear before the Site Plan and Preliminary Plat Review Committee. However, the applicant must first make a request to the Community Development Director and a time, date, and place must be agreed upon for the meeting.
7. Further appeals: Any person aggrieved of the decision of the site plan review committee may appeal to the City Council. The appeal must be made in writing to the Community Development Department within ten (10) days of the date of the decision, and the Community Development Director shall forward the case records to the City Council. Upon appeal a site plan case shall be reviewed as to its compliance with all ordinances of the City of Vicksburg.

All applicants will follow the procedures specified below:

8. Sketch Plan/Zoning Requirements: The applicant is encouraged to meet and consult informally with the Community Development Director. 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.
9. Submission of Site Plan: Six (6) copies of each site plan will be prepared and submitted to the Community Development Director on or before the submittal deadline date. The site plan will not be processed until all required data is provided. A GIS or CAD based file will also be required for inclusion into the City's GIS system.
10. Site Plan Becomes Zoning & Building Requirements for Proposed Use: The approved site plan will incorporate the building and zoning requirements for the property and all development involved.

612.1.4 Specifications for All Required Site Plans

The purpose of this Section is to present in one place the data and specifications required for any proposed development which will require site plan review. The following data will be supplied by the applicant by showing such information on the required site plans:

1. Statement describing in detail the character and intended use of the development.
2. Existing and Proposed Lot lines (property lines) displayed in a heavy, bold line weight.
3. The zoning of adjacent lots.
4. The names of owners of adjacent lots.
5. Rights-of-way of existing and proposed streets, including streets shown on the adopted Thoroughfares Plan displayed in a heavy, bold line weight.
6. Existing and Proposed Access ways, curb cuts, driveways and parking (including number of parking spaces to be provided) and loading areas. Please indicate the final count for parking spaces on the plans under "notes."
7. All existing and proposed easements and rights-of-way, existing and/or to be dedicated. Please include a copy of any and all supporting documents or permissions for existing or proposed easements on and off the site.
8. All existing and proposed gas, water and sanitary sewer lines; also, the location of all existing and proposed fire hydrants.
9. A drainage plan showing all existing and proposed storm drainage facilities. The drainage plan will indicate an adjacent upstream drainage basin(s) and through-

site drainage courses and projected storm water volumes from off-site and on-site sources.

10. Show Base Flood Elevations (BFE) as required by the City's Flood Prevention Ordinance. Flood plain zone designations according to maps prepared by the Federal Emergency Management Agency, National Flood Insurance Program (NFIP) of latest data available, and any proposed flood way modifications. Please label on the plans.
11. Building lines and the location of all structures and utilities, existing and proposed above and below ground. Utilities should be provided on a separate layout sheet and included with the site plan review package.
12. Proposed uses of the land and buildings. Please label on the plans.
13. Existing Contours at vertical intervals of two (2) feet or less based on
14. Open space and recreation areas, when required.
15. Area (in square feet and/or acres) of parcel. Please label on the plans.
16. Proposed gross lot coverage by buildings and structures. Please indicate the gross lot coverage on the plans under "notes."
17. Number and type of dwelling units (where proposed). Please indicate the number and type of dwelling units on the plans under "notes."
18. Location of sign structures (Owner/developer will apply for a sign permit).
19. Existing and proposed lighting.
20. All means of ingress and egress (Accessways/ curb cuts).
21. All landscaping, screens, and buffers.
22. A "development plan" when staging of development is proposed showing a breakdown of "phases" for the project.
23. Traffic study if deemed necessary by the Community Development Director or the City Engineer.
24. A location map showing the location of the project within the city, county and state. This sheet should be used as the cover page for the project.
25. Exterior elevations. If the site is located within the Historic District, a Certificate of Appropriateness is required from the Architectural Review Board.

26. Scale of drawings both by written scale and graphic scale.
27. Magnetic north arrows.
28. Any additional data necessary to allow for a thorough evaluation of the proposed use.
29. Provide a boundary survey with mathematical closure, unless already platted.
30. Provide landscape plan that is in compliance with the parking lot landscape requirements of this ordinance.

In addition, a title block will be shown on the site plan with such information as the date of submittal and date of any revisions, names of developer, name and address of an owner, zoning of subject property, names of engineer and landscape architect, etc. will be located.

31. Other Exhibits: Photographs, rendering, color slides, models and similar
32. Staging of Development Requires Development Plan: Whereas developer proposes to construct a particular land use requiring site plan review under these guidelines by stages (e.g., PUD's, large multi-family developments, large commercial developments, etc.), sufficient data will 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 will be adhered to as much as possible by developers. Significant deviations from the development plan initially approved will require an additional submittal and approval by the site plan review committee.
33. Site Work will not be initiated by the developer until all aspects of the site plan have been approved by the Site Plan and Preliminary Plat Review Committee.

612.1.5 Criteria for Site Plan Review

Criteria for site plan review consist of the five components specified below:

1. Consistency with Adopted Land Use Plan and Zoning Ordinance: The proposed site plan will be consistent with adopted Land Use Plan and Zoning Ordinance (Including the official Zoning Map).
2. Vehicular Traffic Circulation and Parking: The following aspects of vehicular traffic circulation and parking will 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 rights-of-way/surface width requirements indicated on 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?
 - C. Traffic engineering operation of adjacent streets: What traffic
 - D. Compliance with Zoning Ordinance (section regulating Off-street Parking, Loading, and Access Requirements).
 - E. Are proposed freight delivery areas separated from customer access in commercial and industrial developments?
3. Utilities: The following will 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 and detention ponds.
 - C. Are underground utilities required on the site?
4. 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 an ingress/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 the Zoning Ordinance and the adopted Building Code?

612.1.6 Site Plan and Preliminary Plat Review Committee

Community Development 601-634-4528
Director

Zoning Administrator 601-638-6203

Public Works Director	601-634-4555
Fire Department	601-634-4566
City Landscape Architect	601-636-3574

612.2 Site Plan and Preliminary Plat Review Committee Procedures for Dockside Gaming.

612.2.1 Master Plan. Prior to granting a permit for a dockside gaming establishment and ancillary uses, the Site Plan and Preliminary Plat Review Committee shall require applicants to provide a master plan, which will assist in determining what the developers propose, where they intend to construct same, and what it will be accomplished. The master plan will assist the committee with:

1. Establishing the compatibility of the proposed development with its surroundings;
2. Analyzing traffic flow and traffic congestion considerations;
3. Identifying the availability and location of parking;
4. Determining the potential impact of the proposed operations on the city's infrastructure such as roads, water, and sanitary sewerage collection and disposal;
5. Determining the potential impact, which could result in an increased need for municipal services such as police and fire protection;
6. Disaster plan and emergency plan.

612.2.2 Master Plan Requirements. The master plan shall include the following elements (and other information as may be required by the Site Plan and Preliminary Plat Review Committee) to insure that the purposes of the city's zoning and other ordinances, as well as other city, state and federal regulations and codes are met:

612.2.3 Site Plan. A site plan and topographic survey (two-foot contours) depicting the proposed location of all improvements and facilities (including, but not limited to, location of boats, barges, vessels, piers, parking lots, landscaping, etc.) and the location of the Mississippi Flood Stage at Vicksburg (89.23 NGVD) after construction is completed.

612.2.4 Illustrations. Photographs, artists renderings, or other visual documents that will assist the city in establishing compatibility both for the boat and any landslide development;

612.2.5 Data On Vessel. Information relative to the number, height, length and width of boats, barges or vessels; the total number of employees contemplated; the number of visitors expected daily, monthly, yearly; peak traffic times and days; and hours of operation.

612.2.6 Access, Parking and Traffic. The applicant must demonstrate conformance to the access, parking and traffic provisions of Section 407 as well as supply the following data:

1. Number of parking spaces to be provided and the layout, location, lighting and landscaping of the parking lots; if satellite parking lots will be employed, leases or contracts committing specific parking spaces to the gaming facility coupled with an acceptable shuttle bus or other appropriate plan to transport guests and employees to and from the gaming facility. Bona fide contracts evidencing all parking and shuttle arrangements must be provided during the gaming establishment's existence;
2. Proposed or anticipated access routes to and from the gaming operations, both on-site and off-site; grade and width of roads, turning radii; stacking distances; and expected traffic volumes;
3. Road improvements and traffic controls necessary to accommodate dockside gaming establishments and ancillary uses;

612.2.7 Infrastructure. Proposed infrastructure improvements such as water, natural gas, electricity, drainage, and sanitary sewerage collection (e.g., location of improvements, size of pipes, etc.);

612.2.8 Security and Protection. Provisions for on-site security, fire protection, and lighting and plans for emergency evacuation;

612.2.9 Site Controls. Evidence of site control (i.e., ownership or contractual arrangements) for all lands included within the developer's proposal, necessary for the full and complete implementation of the proposed development;

612.2.10 Landscape Buffer. Landscaped buffer areas of sufficient length and width as necessary to protect adjoining uses from any adverse impact from noise, traffic, lights, etc. from a gaming operation shall be provided and shall conform to City standards where stipulated;

612.2.11 Building Height. No structure (excluding architectural projections such as decorative smokestacks on a vessel) shall exceed five (5) stories or sixty-five (65) feet whichever is less and shall conform to any view corridor or height restrictions that may be adopted by the city; provided, however, structures on parcels that are separated from a dockside gaming casino by a public street (even when the parcels are controlled by the same development entity) are only subject to the height restrictions of the base zone;

provided, further, that no height restrictions or view corridor shall apply to any structure within the Historic Vicksburg District. Subject to Viewshed Ordinance Restrictions.

612.2.12 Required Lot Area and Lot Width. There shall be no minimum size for a lot. There are no lot width requirements.

612.2.13 Percentage of Lot Coverage. Within the Historic Vicksburg District (also known as the Downtown Conservation District) there shall be no limit on lot coverage.

In other areas buildings (including accessory buildings⁰ and paved areas (including parking lots and service areas) shall not cover more than seventy (70) percent of the project property. Landscaped area in the paved parking lots shall be deemed landscaped open space. The remainder shall be devoted to landscaped open space per requirements of the Planning and Zoning Commission. Lot area shall be considered that land above Vicksburg flood stage on Mississippi River (89.23 feet NGVD).

612.2.14 Yards Required:

612.2.14.1 Front yards. Front yard setback requirements shall conform to the standards of the base zone, except in the Historic Vicksburg District no yard setback is required.

612.2.14.2 Side yards. Side yard setback requirements shall conform to the standards of the base zone, except in the Historic Vicksburg District no yard setback is required.

612.2.14.3 Rear yards. Rear yard setback requirements shall conform to the standards of the base zone, provided that where the rear yard abuts the water in the Historic Vicksburg District, then no rear yard setback is required. The rear yard is defined as that side that abuts the side of the property on or nearest the waterway. No rear yard setback is required in the Historic Vicksburg District.

612.2.15 Off-Street Parking, Loading Requirements, Traffic Considerations and Development Standards. Requirements for Dockside Gaming. The following submissions and standards pertain to dockside gaming as a special exception:

612.2.15.1 Intentions.

1. Casino sites should be safely and conveniently accessible to all vehicle types expected to visit the site, including tour buses, service vehicles, and emergency vehicles.
2. Casino sites should provide safe and clearly defined access for pedestrians and disabled-person.
3. Internal circulation and parking should be safe, convenient and easily understood.

4. The appearance of access, circulation, and parking facilities should attest to quality development and to designs that are sensitive to the unique location and features of the site.

612.2.15.2 Plans:

1. A dimensional plan (at least one (1) inch + fifty (50) feet) illustrating all access roads, connections to dedicated city streets, on-site and off-site parking spaces, and setbacks from the waterfront and abutting properties.
2. A dimensioned traffic plan (at least one (1) inch + fifty (50) feet) illustrating conformance to sections 402.3-14 through 402.3-12 and 402.3-14 as well as any changes proposed to dedicated city streets including signalization, widening, creation of turning lanes, storage capacity of turning lanes, etc. The city reserves the right to require the developer to alter these plans to meet city safety standards or to meet other requirements the city deems appropriate.
3. A landscape plan illustrating all walkways, landscaping, and lighting including curb treatment, height, design and lumens of lighting standards, and type and size (in height or caliper) of plantings.
4. An estimate, with supporting evidence from comparable facilities (where relevant) of casino floor area, number of gaming devices and positions, floor area for other uses, projected attendance, boat capacity, the number of employees by shift, the number of shifts, and the hours of operation.
5. Evidence of ownership or lease of off-site parking is required for both customer and employee parking areas.

612.2.15.3 Intersection design. Access roads shall be a minimum of thirty (30) feet wide for two-way traffic operation. Curves and internal intersections with the access road shall be designed to accommodate a WB-40 design vehicle. In any case, internal roads must have sufficient width so that vehicles do not encroach on opposing lanes during turning maneuvers. For safety reasons, traffic should be able to pass a stalled vehicle while maintaining two-way flow. Maximum grade shall be as determined by the city engineer. Access roads on private property shall at a minimum meet city public street pavement standards and shall include curbs and gutters.

612.2.15.4 Secondary Access. One (1) external access drive from the casino area is required for every three hundred (300) parking spaces. If, in the opinion of the city engineer, site constraints make it physically impossible to provide one (1) access drive for every three hundred (300) parking spaces, then one (1) access drive for every four hundred (400) parking spaces shall be provided, further, that if at least two (2) access roads built to public road standards are constructed, then

the Planning and Zoning Commission can waive a requirement of any more access roads. Secondary access roads should conform to the minimum standards for primary access roads.

612.2.15.5 Emergency Vehicles. A secondary access route will be required for emergency vehicles. This may be a second, general access route or a dedicated emergency vehicle road. The access route for emergency vehicles shall be a route that allows access reasonably close to the casino at a point deemed acceptable to the city fire department.

612.2.15.6 Tour Bus Access and Drop-Off. Tour bus access and passenger areas should be provided sufficient to accommodate a standard intercity coach. This may be accomplished with a street-level pull-out, an on-site drive-through or turn-around design. Passenger waiting areas should be clearly designated and should provide shelter if placed outdoors. Pedestrian access connections must be provided so that they are safe, clearly marked, and convenient to use. Tour bus passengers should not be forced to walk in parking aisles or on internal roads between the bus and the development's buildings. Tour bus parking and staging areas should be separate from passenger loading and drop-off points.

612.2.15.7 Pedestrians. Substantial pedestrian volumes will occur between parking areas and the casino buildings, and may also occur between other property and the casinos. Safe, convenient, and clearly designated walkways are essential. Pedestrians shall not be forced to walk in roadways or across landscaping to enter or traverse the site but pedestrians may only cross roadways on pathways clearly marked for pedestrians. If pedestrian must cross Levee Street to get to the riverboat casino from off-street parking facilities, then elevated walkways to cross Levee Street and the railroad tracks shall be required.

612.2.15.8 Off-Street Parking Supply.

1. One (1) parking space for each one and one-third (1 1/3) hotel rooms; plus parking spaces figured separately for other areas of the hotel as provided herein or as provided in other ordinances of the city.
2. One (1) parking space per seventy-five (75) square feet of casino, showroom, bars, lounges, restaurants, stores and other similar public areas (excluding mechanical rooms, elevator shafts, stairwells, vestibules, storage rooms, corridors, toilet rooms, swimming pool area, tennis courts, and other similar areas); provided, however, that the city has the right after the casino has been opened for one (1) year to require additional parking spaces up to one (1) parking space per fifty (50) square feet of such space.
3. Parking supply for employee areas, kitchens, locker rooms, dressing rooms, stage and backstage areas shall be not less than one (1) parking space per one thousand (1,000) square feet of floor area.

4. Parking supply for administrative offices shall not be less than one (1) parking space per three hundred (300) square feet of floor area.
5. Handicapped-accessible parking shall be provide following American Disability Act (“ADA”) Accessibility Guidelines.
6. The above numbers can be altered by the Planning and Zoning Commission only if presented with evidence of comparable facilities where the numbers are substantially different and if such evidence is verified by appropriate city agencies and/or independent traffic consultant retained by the city.
7. The existing parking garages located on Mulberry Street between South Street and Clay Street shall be deemed to count towards to off-street parking requirements of casino, food service and ancillary facilities and hotel (provided hotel does not exceed one hundred twenty (120) rooms) located north of Crawford Street and west of Mulberry Street and south of Clay Street which are owned by the same entity which owns those parking garages or leases those parking garages from the city but shall not be deemed to meet the parking requirements of any other use.
8. Except for the parking garages dedicated in part to public use upon the effective date of this section, off-site customer parking must be dedicated exclusively to casino customer use; provided, however, that collective parking facilities may be provided if the parking spaces in said collective facility is no less than the sum of such parking spaces as would otherwise be individually required.
9. Casino parking must be provided within eight hundred (800) feet walking distance of the point where persons will first enter an enclosure that will enable them to enter the casino staging area without leaving a covered area. If the parking lot or structure is not provided within this distance, a people-mover or transit system must be provided between the parking area and the site.
10. Tour bus and recreational vehicle parking must be dedicated and clearly designated. Such parking may be provided off-site when evidence of ownership or lease of off-site parking may not occur within a residential zone. Standard intercity coaches should be used as the design vehicle. If such off-site parking abuts a residential zone, parking may not occur within one hundred fifty (150) feet of the residential zone and there shall be a heavily landscaped visual and sound buffer between the parking area and the residential zone.

11. Off-site parking (except for tour bus and residential vehicles) shall not occur within a residential zone. If such off-site parking abuts a single-family or two-family residential zone, parking may not occur within seventy-five (75) feet of said single-family or two-family residential zone. If such off-site parking abuts a multifamily residential zone, parking may not occur within fifty (50) feet of said multifamily residential zone. There shall be a heavily landscaped visual and sound buffer between the parking area and any residential zone.
12. In recognition of the existing industrial and railroad traffic on and along Levee Street and the southern extension thereof (Levee Street), special restrictions shall apply to Levee Street to the effect that passenger vehicular traffic along or across Levee Street shall be discouraged and may be restricted or prohibited. Developers must submit plans to address methods of providing parking and access to any part of their development along Levee Street to satisfy the traffic safety issues of Levee Street.

612.2.15.9 Parking Dimensions.

1. Stalls for passenger automobiles shall be at least nine (9) feet wide.
2. Handicapped-accessible stalls shall conform to ADA Accessibility Guidelines of the American Disability Act (“ADA”).
3. Aisle width is dependent on stall width and angle and should conform to guidelines published by the Urban Land Institute and by the Institute of Transportation Engineers.

612.2.15.10 Aisle Definition For Surface Parking.

1. Landscaped islands with minimum four-inch concrete curbs must define the ends of all parking aisles. These aisles must be at least five (5) feet in width except where they are part of a paved pedestrian system. In those cases there must be at least ten (10) feet in width with six (6) feet paved. This serves important circulation and aesthetic function by enhancing parking aisle visibility, by maintaining drivers’ sight-lines at internal intersections, by protecting vehicles parked at the ends of rows from turning traffic, and by providing for landscaping. Each island shall be appropriately landscaped.
2. Landscaped dividers should be constructed along the length of every third parking row. This reduces dangerous diagonal traffic movements during periods of low parking occupancy and offers an additional landscaping opportunity to improve surface lot appearance. Dividers should be ten (10) feet wide with trees planted at twenty-foot intervals unless different

distances are approved by the Planning and Zoning Commission. These dividers can serve as paved pedestrian walkways if they connect to other designated walkways. In this case planting is not required.

612.2.15.11 Parking Slope. Parking shall not occur on a grade exceeding six (6) percent for general customer and employee parking and shall not exceed two (2) percent for handicapped parking.

612.2.15.12 Traffic Impact Assessment. To gauge the effect of casino traffic on public streets, a traffic impact analysis shall be required prior to granting the special exception. This analysis would be paid for by the casino applicant and furnished to the city. Traffic impact assessment by the casino consultant would be subject to review by the city or by an independent professional transportation planner or engineer appointed by the City of Vicksburg at the cost of applicant. Items to be identified and documented include:

1. Defining a study area where project traffic is likely to occur, and specifying key roads and intersections to be analyzed. The director of public works and city engineer and community development director will be responsible for reviewing and approving the study area.
2. Existing traffic conditions for the afternoon peak hour and on a daily basis. Inventories of traffic volumes, traffic controls, pavement dimensions and condition, intersection levels of service, and accident histories within the study area should be documented.
3. Peak hour and daily traffic generation for the proposed development. Carefully documented assumptions and methods are critical to the validity of the analysis.
4. Distribution and assignment of project traffic on public streets.
5. Operational effects of project traffic on area and roadways. Traffic from other approved developments or developments that have applied for a special exception should be included in the calculations to the extent the city furnishes this data to the developer. The most recent highway capacity manual capacity analysis procedures should be used.
6. Grade and slope of roadways, parking areas and driveways.
7. Methods to mitigate unacceptable impacts. Level of service "D" is the minimum acceptable peak hour condition. Project approvals may be conditioned upon off- site improvements being made when necessary to provide adequate capacity for safe traffic operations.

8. In recognition that Levee Street is a major truck route and that a major train track lies along Levee Street, traffic patterns on Levee Street should be addressed separately for any casino that lies west of Levee Street and the train tracks. Left turns across opposing lanes of traffic in Levee Street may be restricted to points where signalization is installed or will be otherwise restricted or limited for the safety of persons.

612.2.15.13 Setback and Buffering Requirements.

1. No parking shall occur within required yard setbacks except in the Historic Vicksburg District where parking may be allowed in the required yard setback area.
2. No parking or paved drive shall occur below the one-hundred-year flood elevation except in the Historic Vicksburg District which shall be exempt from this provision. An exception to this provision is that drop-off, servicing, and handicap parking can occur in that section of land immediately parallel to the dockside gaming vessel but not extending more than twenty-five feet beyond its fore and aft. Developer shall heavily landscape the horizontal plain fifty (50) feet west of the one-hundred-year flood elevation, using water tolerant trees and shrubs.

612.2.16 Special Casino Sign Regulations; Intent. In recognition that casino riverboat gambling development could involve a multitude of business activities, including, but not limited to, the casino gambling itself, restaurant, lounges, entertainment, retail businesses, hotels, and other business activities in the overall development, signage allowed for these development projects should be considered separately from signage allowed for other business activities and uses within the City of Vicksburg. Furthermore, it is recognized that the terrain leading to the river is such that in order to create appropriate signage for customers and patrons to locate a development that may not be visible because of the terrain will require the allowance of signage that may be a greater size than what otherwise would be allowed for the activities in the City of Vicksburg.

612.2.16.1 General. No sign, except an unlighted sign for lease, sale or rent of property and not exceeding twelve (12) square feet in area, or an announcement of professional sign not exceeding two (2) square feet in area, or traffic and other regulatory signs, or legal notices and the like, shall be placed or erected without the prior approval of the zoning administrator.

612.2.16.2 Types Prohibited. The following types of signs are specifically prohibited.

1. A sign or structure which directs attention to a business, commodity, service, activity or entertainment not conducted or principally sold or offered upon the premises on which the sign is located.

2. Portable signs of any type.
3. Temporary signs on paper or cloth mounted in windows or affixed to the exterior of structure.
4. Signs mounted on poles where in the total height of the signs from grade exceeds ten (10) feet and/or the total area of the sign exceeds twenty (20) square feet.
5. Blinking lights strung independently or affixed to a sign.

612.2.16.3 Business Signs.

1. **Total permitted sign area.** The total area of all business signs on a boat, barge, vessel, building, structure or lot shall not exceed five hundred (500) square feet or the sum of six (6) square feet for each linear foot of principal lot frontage along a dedicated public street, whichever is greater. If a boat, barge, vessel, building, structure or lot fronts on more than one dedicated public street, then only the principal street frontage will be allowed in computing the total permitted sign area. Provided, however, that the total of all sign areas shall not exceed three thousand five hundred (3,500) square feet.
 - A. There shall be no limitation on the number of signs on a building or other structure.
 - B. Wall or surface mounted signs located on a gaming vessel, barge or boat may occupy no greater than ten (10) percent of the surface area of the side of the vessel, barge or boat to which it is affixed.
 - C. One (1) freestanding sign may be allowed for each public street frontage which the property abuts. No freestanding sign shall be located within one hundred (100) feet of any other freestanding sign on the same lot or parcel.
 - D. No single freestanding sign shall have an allowable sign area greater than four hundred (400) square feet, nor shall the nonsign area of the structure exceed the sign area on the structure.
2. **Computation of area of individual signs.** The area of sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to

differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

3. **Computation of area of multi-faced signs.** The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.
4. **Sign setback requirements.** No freestanding sign shall be placed closer than five (5) feet to the street right-of-way line and shall in no way obstruct the view of traffic or create a hazard.
5. **Sign height.** No freestanding sign shall exceed thirty-five (35) feet in height, measured from the base of the sign at normal grade to the highest attached component of the sign.

612.2.16.4 Sale or Rent Signs. Signs advertising that the premises are for lease, sale or rent are permitted, provided that each real estate firm shall be limited to one (1) such sign not to exceed twelve (12) square feet in area on each lot or parcel of property for which such firm has a bona fide listing, and that such sign shall be removed from the premises within ten (10) days subsequent to the leasing, sale or rental of such premises.

612.2.16.5 Development Signs. One company sign not to exceed fifty (50) square feet in area may be affixed to each lot or parcel or property to designate that such property is to be occupied at a future date by the proposed business or use.

612.2.16.6 Temporary Announcement Signs. Including a contractor's signs on a construction site, not to exceed thirty-two (32) square feet in area, indicating the names of persons associated with or events conducted upon the premises.

612.2.17 Fences.

612.2.17.1 Chain Link Fences. No chain link or wire type fences shall be permitted.

612.2.17.2 Transparency. All fences shall maintain as a minimum a thirty-five (35) percent transparency unless permitted as an exception by the zoning and Planning and Zoning Commission.

612.2.18 Design Guidelines.

612.2.18.1 Floating Structures. Floating structures shall maintain a consistently high quality of construction and design. They may be modeled on riverboat theme unless the zoning and Planning and Zoning Commission approves a different theme. Floating barges with the equivalent of decorated prefabricated metal buildings on them are not acceptable. The following guidelines shall apply unless applicable ABS or Coast Guard Standards require a different guideline.

1. **Exterior walls.** Exterior walls shall be sided with metal or wood unless another exterior material is specifically approved by the Planning and Zoning Commission and shall be in conformance with applicable safety codes. Composition wood is not allowed, e.g., masonite or pressed boards. Plywood joints shall not be exposed to the weather. Metal walls should use shipbuilding construction type techniques and should avoid such details as caulked but-joints which are more associated with industrial buildings.
2. **Windows.** Floating structures shall have some amount of glazed area on the exterior walls consistent with the exterior design of the structure and in accordance with the applicable building codes. Windows in the casino areas may be fitted with daylight reduction glazing appropriate to casino use. Windows in non-casino areas may be fitted with daylight reduction glazing appropriate to non-casino use. Sliding glass doors are not permitted.
3. **Roofs.** Flat roofs shall be uncoated copper or black roll roofing or single ply roof membrane made of an appropriate roofing material. Pitched roofs shall approximate the slope of the historic riverboat roofs and shall be clad with galvanized standing seam metal or copper.
4. **Exterior decks.** If exterior decks accessible to the public are provided, they shall be a minimum of six (6) feet in width unless applicable building codes require a greater width and freely available to the customers except where access may impede critical service or security functions of the vessel.
5. **Color.** Colors are subject to approval by the Planning and Zoning Commission.
6. **Mechanical equipment.** Mechanical equipment should be screened from view.
7. **Submissions.** The developer shall submit dimensioned floor plans for each level of the floating structures, four elevations (one of each side), an

indication of the elevation of the first deck above water level, and a plan of the casino floor(s) indicating the floor layout and color chips keyed to the exterior elevations to indicate paint color. They shall note how they have conformed to the window requirements of these guidelines by providing appropriate calculations.

612.2.18.2 Landslide Servicing Facilities. Landslide support systems including, but not limited to pump stations, garbage containment, etc. shall be enclosed and buffered by Landscape. For this purpose fencing does not constitute enclosure.

612.2.18.3 Ancillary Buildings. Latitude of style is permitted within this institutional use group. Quality of design and construction within the chosen style is subject to review by the Planning and Zoning Commission. In general the following intentions shall be met:

1. **Roofscape.** The buildings will often be seen from above. Roofs shall therefore be of neutral color, shall not be of gravel, and when flat shall meet the side wall of the building through use of a parapet wall eighteen (18) inches or more in height, or a bracketed overhang, or cornice.
2. **Quality of construction.** Fiberboard, masonite, plywood and similar materials shall not be used for exterior cladding. Corrugated metal can be used if consistent with an industrial theme pertaining to the development as a whole. Vinyl and aluminum siding are acceptable of consistent with the architectural theme. The natural palette must be of consistently durable quality consistent with an anticipated building lifespan of thirty (30) years.
3. **Color.** The color palette should be consistent with the intended style of theme. Garish colors intended to draw attention to the buildings much as a sign would do are prohibited.

612.2.19 Legally Binding Agreement. A legally binding agreement from the applicant shall be provided by the applicant to the city certifying that:

1. All permanent improvements to be constructed shall be to the standards of the latest editions of the building and related codes adopted by the city. Vessels shall conform to the provisions of the local building codes except to the extent that they are required to conform to American Bureau of Shipping (“ABS”) or Coast Guard standards. In that instance, they shall conform to the ABS or Coast Guard Standards and to the extent that they can also conform to local building code standards. All floating structures shall be required to have a certificate of stability from the appropriate certifying agency.

2. Water system improvements necessitated by a gaming operation and ancillary facilities shall be designed by a Registered Professional Engineer and constructed at least to the requirements of the city and at the sole expense of the developer and at no cost to the city. Developer shall maintain these improvements at no cost to the city.
3. Sanitary sewer system improvements necessitated by the gaming operation and ancillary facilities shall be designed by a Registered Professional Engineer and constructed at least to the requirements of the city and at the sole expense of the developer and at no cost to the city. Developer shall maintain these improvements at no cost to the city.
4. A fire suppression system shall be installed and maintained in compliance with the adopted fire codes of the city and at least to the requirements of the Vicksburg Fire Department and other agencies, as deemed appropriate.
5. New access road (or, alternatively, improving, upgrading and/or widening of existing roads) and all internal roadways shall be designed and constructed at least to the standards of the city for public roads and such other requirements of the city and at the sole expense of the developers and at no cost to the city. Likewise, the roads shall be maintained in good condition by developer at no cost to the city.
6. All parking areas shall be paved to Mississippi Standard Specifications for Road and Bridges Construction, 1990 Edition, as amended from time to time.
7. Signalization or channelization changes required on nearby existing streets to meet the demands created by turning movements into or toward the applicants property will be provided consistent with city standards at no cost to the city.
8. The developers shall dispose of garbage, trash and other solid waste in a manner consistent with applicable federal, state and local laws. Solid waste containers are be screened from view of public and private roadways and the water.
9. Multiple accesses, and accesses in accordance with building codes where applicable, shall be provided between land and floating structures to be occupied by patrons or customers.
10. Other requirements as may be deemed by the city to be necessary, appropriate and in the interest of the public health, safety and welfare.

11. All requirements of this ordinance and other ordinances of the city will be satisfied and that all conditions and requirements of the city will be satisfied.

612.20 Waiver From Specific Requirements. For good and sufficient reason and where the public health, safety, and welfare will not be harmed, the Planning and Zoning Commission shall have authority to grant a waiver from specific development requirements set forth herein. Provided, however, that no such waiver shall be granted unless the Planning and Zoning Commission shall have conducted a public hearing on the waiver request after having given lawful notice thereof. Provided further, however, that no such waiver shall be granted unless the Planning and Zoning Commission shall have made written findings specifying the good and sufficient reasons for the waiver and determining that the granting of the waiver will not harm the public health, safety and welfare.

612.21 Certificate of Occupancy. Completion of the improvements in compliance with all requirements of the city ordinances and the special exception shall be a condition before a certificate of occupancy shall be issued for any use, and no vessel, building or facility will be occupied until said improvements are constructed and operational.

SECTION 613. ARCHITECTURAL REVIEW

- A. The Board of Mayor and Aldermen of the City of Vicksburg, Mississippi, hereby find that incompatible structures which are incongruent with its surrounding area in the design and appearance of buildings, structures and improvements erected in all zoning districts, excluding the Historic Vicksburg District, adversely affects the desirability of immediately adjacent and neighboring properties; impairs the benefits of occupancy as to existing properties in such areas; jeopardizes the economic stability and taxable value of businesses, land and buildings in such areas, and in the City as a whole; prevents the optimum use of real estate in the City; induces physical degeneration of property with attendant deterioration of conditions bearing directly on the public health, safety, moral and general welfare of the citizens; deprives the City of tax revenue and destroys a proper balance between the taxable value of real property and the cost of municipal services.
- B. Therefore, in order to encourage the construction of buildings which conserve or increase the value of surrounding buildings; to protect and enhance the attractiveness of the City to home buyers, tourists, visitors, and shoppers; to protect and promote the general welfare and to prevent deterioration of the City which would tend to create hazards to public health, safety and morals, destroy opportunity for the development of business and industry, and thereby deteriorate taxable land values and commerce below levels necessary to finance acceptable levels of municipal services, it is the purpose of this ordinance to provide for the designation of architectural control districts within all zoning districts, excluding the Historic Vicksburg District, to establish a Board to regulate the exterior appearance of buildings, structures and improvements proposed for alteration or

erection in such districts and to set standards and procedures to be followed by such Board and, on appeal from its decision, by the Board of Mayor and Aldermen.

613.1 Designations of Architectural Control Districts: All zoning districts in the City of Vicksburg are hereby designated as an architectural control district.

- Exception:
1. Single family detached dwellings.
 2. Structures, buildings or other improvements located in the Vicksburg Historic District.

613.2 Approval of Construction, Reconstruction and Alterations in Architectural Control Districts:

- A. No structure, building or exterior improvements to an existing building, located in a Vicksburg Zoning District shall be erected, reconstructed altered or restored until the exterior elevations for such have been approved by the Site Plan and Preliminary Plat Review Committee. The provisions of this chapter shall not apply to the regular maintenance of the same as opposed to the reconstruction, alteration or restoration. For the purposes of this section the repainting of a structure or building which results in the complete change of color of the structure or building or a substantial portion thereof shall be deemed an alteration and not regular maintenance.
- B. Erection, reconstruction, alteration or restoration of signs shall be controlled by the Sign Ordinance of the City.

613.3 Submittal Requirements:

Any person applying for architectural approval by the Site Plan and Preliminary Plat Review Committee for the construction, reconstruction, alteration, or restoration of any building within any of the Vicksburg Zoning Districts, shall submit the following information to the Office of Community Planning:

1. An architectural rendering and plans of all buildings and structures showing style of architecture. All colors, materials and finishes shall be shown by notation or by use of accepted architectural symbols.
2. The proposed site plan, if applicable, which complies with all other ordinances of the City for site plans including a landscaping plan; and
3. A vicinity map and renderings or photographs of all development on immediately adjacent properties; and

613.4 Appeals:

Whenever the Site Plan & Preliminary Plat Review Committee shall, in a final decision, approve or disapprove or waive jurisdiction over any building or structure pursuant to this ordinance, the aggrieved party shall be entitled to appeal such decision and be heard thereon before the Board of Mayor and Aldermen; provided, that there is filed with the City Clerk, on or before ten (10) days after the written notification from the office of community planning, a notice in writing of such appeal. Upon filing of notice of appeal as provided herein, the City Clerk shall thereupon

schedule such a hearing before the Board not more than thirty (30) days after the filing of such notice.

613.5 Hearing Before the Board of Mayor and Aldermen:

On any appeal to the Board of Mayor and Aldermen, the final decision of the Site Plan & Preliminary Plat Review Committee shall be stayed pending the decision of the Board of Mayor and Aldermen. The Board of Mayor and Aldermen shall conduct a public hearing on the matter before rendering any decision. The same procedure and standards shall be applied by the Board of Mayor and Aldermen are established for the Site Plan & Preliminary Plat Review Committee. The Board of Mayor and Aldermen may affirm, reverse or modify the decision of the Site Plan & Preliminary Plat Review Committee, in whole or in part.

613.6 Compatibility, Scale, and Bulk:

The intention of the Board of Mayor and Aldermen of the City of Vicksburg is that no proposed structure or alteration shall be deemed to be in violation of this ordinance based upon personal preference to taste or choice of architectural design of any person or persons involved in the administration and enforcement of this ordinance. Only the below listed criteria will be considered in evaluating the proposed construction. The Site Plan & Preliminary Plat Review Committee and on appeal, the Board of Mayor and Aldermen shall use the following standards and criteria in considering applications filed under this ordinance.

- A. Compatibility.** Commercial structures shall be designed in a manner compatible with other structures in the surrounding vicinity. The exterior building design, including roof style, color, materials, architectural form and detailing, shall be consistent among all buildings in a common commercial development and on all elevations of each building to achieve design harmony and continuity within itself.
- B. Scale and Bulk.** The height and scale of new buildings shall be consistent or compatible with the height and scale of adjacent buildings. Special care, however shall be taken to achieve the compatibility of larger buildings next to small scale buildings; techniques shall include limited size, building articulation, and show patterns. The scale of the building shall also consider building setback, lot size and relationship to street width.

613.7 General Materials and Colors:

The exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in the adjoining neighborhoods.

- A. Material.** The primary material shall constitute at least 75 percent of the wall area, excluding glass and door areas. The primary exterior material shall consist of brick, stone, cementitious stucco, split-face block or similar designer block, or architectural concrete panels. Hardy Plank or wood may be used as primary material provided the siding is on a horizontal line. The standard shall apply to all sides of any building. The use of flat-faced concrete, mirrored glass curtain, metal veneer, or vinyl as predominate material is strictly prohibited. The remaining exterior material shall be considered building trim. Trim is defined as an ornamental design feature, that when removed does not significantly alter the appearance of the building. This commonly consists of moldings, cornices, parapet, frieze, sills, lintels stringcourse, and

ledge. No Masonite, asphaltic exterior wall or roof material, aluminum or steel siding, non-architectural sheet metal, non-textured concrete block, vinyl, E.I.F.S. (Exterior Insulation and Finish Systems) shall constitute a portion of any building except trim.

Warehouse or manufacturing areas of industrial buildings may utilize metal veneer surface or other metal surfaces. The use of these materials as a major exterior design element shall be subject to the review and approval of the Design Review Committee.

- B. Color.** Exterior color scheme shall utilize primarily muted, neutral, earth tone type colors. White, Off-White Earthtones, Creams, pastels of Earthtones (including rose, peach and terra cotta), Dark, Subdued Green, Pastel colors of non-earthtone hues (yellows, greens and grayish greens), flat matte finish of primary colors. No more than three (3) painted or applied colors may be used on the exterior of the building. The primary use of neon or fluorescent colors or colors similar in intensity shall not be permitted. The use of uncolored pre-cast concrete panels “tilt-up” slabs are strictly prohibited.

613.8 Wall Articulations:

The Maximum, unbroken façade plane shall be fifty (50) feet for residential uses and sixty (60) feet for commercial and office uses. The wall of any such building shall be interrupted through the use of projections or recesses, portals, courtyards, plazas or other appropriate architectural elements. The design of off-setting wall plane projections or recesses shall have a minimum depth or two (2) feet. Multi-story buildings with over twenty-thousand (20,000) square feet of gross area shall be designed with either off-setting wall planes or upper story setbacks of at least six (6) feet in depth.

613.9 Roofs:

Variations in roof lines should be used to add visual interest to, and reduce the massive scale of large buildings. Roof design should be appropriate for the architectural style of the building. There should be a change in height every 100 linear feet in building length. Roof features should complement the character of adjoining neighborhoods. Roof designs must incorporate no fewer than two of the following features:

- Parapets, gable roofs, high roofs or dormers screening flat roofs and rooftop equipment
- Overhanging eaves
- Sloped roofs (minimum roof pitch 5/12)
- Three or more roof sloop planes
- Repeating pattern of change in color, texture, and material modules.
- Asphalt shingles shall be Architectural grade or better. Three-tab shingles and roll roofing will not be allowed.

Where pitched roofs are used slope must be sufficient to provide positive drainage and architectural design appropriate for the use and location.

613.10 Façade:

Structures shall be architecturally finished on all sides with the same materials, detailing, and features when visible from the public view or adjacent residential areas. The building must have a clearly defined, visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters. Building facades or an individual structure on a single lot should generally be oriented parallel to the streets they face, such that their main entrances are visible as a means of creating continuous streetscapes. Within office or commercial complexes, buildings shall be clustered so as to create plaza or pedestrian mall areas. Where the clustering of buildings cannot be achieved due to size or shape of the lot, link the building pads together with pedestrian walkways that are defined by separate paving textures and accented by landscape areas.

613.11 Entrances/Architectural Detail:

- A. **Entrances.** Structures must have clearly defined, highly visible customer entrances featuring at least two (2) architectural elements.
- B. **Architectural Details.** All buildings shall be designed to incorporate no less than three (3) architectural elements in addition to regulations regarding the design of entrances above. Buildings over fifty thousand (50,000) square feet shall include a minimum of five (5) architectural elements. Buildings over one hundred thousand (100,000) square feet shall include a minimum of six (6) architectural elements.

613.12 Doors/Windows

An essential characteristic of architecture is a traditional appearance of buildings, walls and openings. Walls define the overall form of buildings, while openings give them a human scale and the appearance of being occupied. Treatment of the doors, windows, and glazed surfaces, with the exception of steel fire doors on the rear elevation of the building and doors, windows and glazed surfaces which are located under portals or canopies with a depth of six (6) inches or more shall have one or more of the following:

- Frames recessed a minimum of four (4) inches
- Encased with trim
- Have divided lites
- Have exposed or otherwise articulated lintels
- All glazing is clear, tinted neutral gray, leaded, frosted, or decorative glass. *The use of mirrored glazing is strictly prohibited.*
- Architectural Features—consideration is granted for the appropriateness of each feature. Use a decorative trim around the roof perimeter, all doors and windows, and signs. Decorative wrought iron used as gates, fencing, windows, and railings. Decorative use of brick, stucco, or stone accents around walls, columns, rooflines, doors and windows, including crown molding.

613.13 No Specific Architectural Style To Be Required: The Site Plan & Preliminary Plat Review Committee and the Board of Mayor and Aldermen, on appeal, shall not adopt or impose any specific architectural style in the administration of this ordinance/code.

- A. Any person, who, having obtained the approval of the Site Plan & Preliminary Plat Review Committee and having secured a building permit, deviates substantially from the approved plan, shall be guilty of a misdemeanor.
- B. The Building Official, upon his determination of substantial deviation, shall issue a stop work order on the building permit. Work shall not be permitted to continue, unless it is continued under substantial compliance with the approved submitted plans and specifications or the changes have been re-submitted and approved by the Site Plan & Preliminary Plat Review Committee pursuant to this ordinance,

613.14 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.

613.15 Repeal of Conflicting Ordinances or Parts Thereof:
All Ordinances or parts of Ordinances adopted heretofore by the City of Vicksburg, Mississippi, which are in conflict herewith or inconsistent with the provisions of this Ordinance are hereby repealed.

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

SECTION 614. LANDSCAPE PLAN

Applicants with developments subject to the regulations of this section and the Buffers and Screening section shall submit a landscape plan to the Administrative Official. This submission shall be made simultaneously with the submission of applications for zoning permits and applicable site plans. The applicant shall submit five (5) copies of the landscape plan. Such a plan shall be drawn to scale including dimensions and distances, and shall clearly show property lines and delineate existing and proposed buildings, parking areas, loading areas, driveways, roadways, sidewalks, utilities, sprinkler or water outlet locations, and shall designate the type, size, number, and location of the landscape materials and screening materials to be installed or, if existing, to be used in accordance with the requirements hereof. In order to expedite plan preparation by applicants, the landscape plan may be a site plan with landscaping information superimposed on it.

The Site Plan and Preliminary Plat Review Committee is hereby directed and authorized to review landscape plans associated with full site plans submitted as part of projects subject to Site Plan and Preliminary Plat Review Committee review listed in the site plan review section herein and approve, approve with conditions, or disapprove such plans. A scheduled public meeting for

such review shall be held between the Site Plan and Preliminary Plat Review Committee and the applicant within thirty (30) days of the application date.

614.1 Landscape Materials

1. All landscape materials shall be of nursery stock quality and shall be installed in a sound workmanlike manner and according to landscape construction industry standards by a contractor licensed by the State of Mississippi as a landscape gardener, landscape architect, nurseryman, or landscape contractor. Such landscape materials shall be adaptable to climate conditions of the area and shall be maintained in good condition and in accordance with all provisions herein as follows:
2. Landscape material shall be true to name, variety, and size, and shall conform to all applicable provisions of the American Standards for Nursery Stock, latest edition;
3. All single trunk trees shall have a minimum of a one (1) inch caliper trunk upon installation;
4. Multiple trunk trees shall have main stems three quarter (3/4) inch in caliper upon planting, and all multiple trunk trees shall have a minimum of three (3) trunks;
5. Any shrub or tree used to satisfy opaque screening requirements of the Buffers and Screening Section shall have a minimum of a five (5) gallon container size;
6. Ground covers shall be a minimum of four (4) inch container stock spaced a minimum of eighteen (18) inches on center, or two and one half (2 ½) inch container stock may be substituted and spaced a minimum of eight (8) inches on center;
7. No tree or shrub shall be planted in any easement without the written permission of the easement owner;
8. Any landscape material shown on the landscape plan that fails to show healthy growth must be removed and replaced within sixty (60) days of notification by the City;
9. Any landscape material shown on the landscape plan otherwise removed must be replaced within sixty (60) days of notification by the City;
10. Any replaced landscape material must meet the size and other characteristics of newly planted materials, as required herein;
11. Maintenance of all landscaping is the responsibility of the property owner; and
12. All required planting areas shall have access to water by either an underground sprinkler system or a water hose attachment within one hundred fifty (150) feet of each planting area.

614.2 Exterior Yard Landscaping

Exterior yards within all zoning districts shall have a landscaped area equal in square feet to eight (8) times the length of the property line along the roadway. Such landscaped area shall have a minimum depth along such property line of five (5) feet. Depths of such landscaped area greater than twenty five (25) feet shall not count toward the required landscape area. Parking is not permitted within this landscaped area, and only driveways, bike paths, or pedestrian paths may cross at an angle perpendicular to the exterior yard line. Trees shall be placed in this landscape area with a minimum of one (1) large tree, two (2) medium trees, or four (4) small trees, or any combination thereof, for each fifty (50) linear feet or fraction thereof of such property line.

614.3 Interior Side and Rear Yard Landscaping

Interior side and rear yards within all zoning districts shall have landscaped areas equal in square feet to five (5) times the length of the side and rear property lines, respectively. No minimum depth is required in order to allow joint vehicular use areas with neighboring zoning lots. Where interior side or rear yard landscaping areas may overlap exterior yard landscaping areas, the exterior yard landscaping areas shall suffice in lieu of interior side or rear yard landscaping in those particular overlap areas. Parking is not permitted within this landscaped area, and only driveways, bike paths, or pedestrian paths may cross at an angle perpendicular to the interior side or rear yard line, respectively.

614.4 Vehicular Use Area Landscaping

In addition to other landscape requirements, all vehicular use areas, both temporary and permanent, shall be designed with landscaped areas within the interior of or adjacent to the vehicular use area. Each tree planting area shall contain a minimum of three hundred (300) square feet in area with minimum dimensions of eight (8) feet and shall contain at least one (1) medium or large tree. Trees shall be required at the minimum rate of one (1) medium or large tree for every two thousand (2000) square feet of total vehicular use area or fraction thereof. Landscaped areas shall be located at the owner's discretion provided that no parking space be no more than sixty (60) feet from the trunk of a tree. All vehicular use areas that serve multiple businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use area for the purpose of computing the required rate of trees, notwithstanding ownership. Such landscaped areas may be encroached upon by a motor vehicle only to the extent that such vehicle does not come into contact with landscape materials and there remains a minimum of three and one half (3 ½) feet of undisturbed landscaped area between such vehicle and another vehicle across such area or property line. Landscaping within a vehicular use area which is devoted to display purposes only, as in the case of a vehicle dealership, is not required. Further requirements concerning vehicular use areas are found in the section entitled Buffers and Screening.

614.5 Minimum Landscaped Areas of Ten (10) Percent Required

If all landscaping requirements for exterior yards, interior side and rear yards, and vehicular use areas are met and the total square footage of the landscaped areas does not equal ten (10) percent of the zoning lot, additional landscaped areas shall be required so that a minimum of ten (10) percent of the zoning lot is landscaped. Such additional landscaping may be in the form of additional landscaped vehicular use areas, exterior yards, interior side and rear yards, and reforestation.

614.6 Miscellaneous Landscaping

Property owners are encouraged to voluntarily landscape the unpaved areas within the public roadways maintained by the City and abutting their land, provided that:

- A. The City may at any time require such landscape material be removed and shall not be responsible nor liable in the event any landscape material is required to be removed;
- B. Landscaped areas within the roadway shall not impede nor obstruct visibility from any motor vehicles, bicycles, or pedestrians, or interfere with any utilities either above or under the ground, and any landscape materials other than turf or grasses proposed to be located there must receive the approval of the Site Plan and Preliminary Plat Review Committee; and
- C. Any underground sprinkler system, planters, or other permanent structures proposed to be placed within the roadway shall require approval of the Site Plan and Preliminary Plat Review Committee.

Where developing properties abut public roadways and have insufficient area to allow the placement of sidewalks within the public roadway, property owners are encouraged to place sidewalks on their property parallel and adjacent to the public roadway. This area can be used to meet the landscape area requirement in the section, Buffers and Screening. Upon completion of sidewalks built to City standards, the City will accept responsibility for maintenance of all sidewalks adjacent and parallel to the public roadway through receipt of a maintenance easement at the option of the property owner.

614.7 Minor Variances

Landscape design should take into consideration and be compatible with the shape and topography of the area, the architectural characteristics of proposed and adjacent structures, and the character of existing adjacent landscaping, and pedestrian and vehicular circulation patterns. Since the landscape design standards are not intended to be arbitrary or inhibiting to creative solutions, project conditions may justify modifications of this section when conditions arise, when full compliance is impossible, or under circumstances where achievement of the City's objectives can be better obtained through modified requirements. It is the intent of this section to offer the applicant as much latitude as possible when designing required landscaping. Minor variances shall be limited to the specific landscaping project under consideration and may not establish precedent for acceptance in other cases. Economic considerations or financial hardships shall not be considered grounds for the issuance of a minor variance. In specific cases,

minor variances may be granted by the Site Plan and Preliminary Plat Review Committee upon recommendation by the City Landscape Architect when any variation more fully achieves the objectives contained herein and when any of the following conditions justify such variation:

1. There are special circumstances and conditions applying to the premises for which the minor variance is sought whereby circumstances or conditions are peculiar to such premises and do not apply generally to other premises in the area, and the circumstances or conditions are such that the strict application of these provisions would deprive the reasonable use of such premises;
2. The granting of the minor variance is necessary for the reasonable use of the premises, and the minor variance granted is the minimum variation that will accomplish this purpose;
3. The granting of the minor variance will be in harmony with the general purpose and intent of this section and will not be injurious to the area or otherwise detrimental to the public welfare;
4. The granting of the minor variance will not confer on the applicant any special privilege that is denied by this section to other lands, structures, or buildings in the same zoning district;
5. Topography, soil, or other site conditions are such that prevent full compliance;
6. Improved environmental quality would result from the granting of the minor variance; or
7. Alternate or special construction techniques, material, and equipment are to be used when deemed by the Site Plan and Preliminary Plat Review Committee to be significantly better than those required herein.

614.8 Conditional Occupancy Permit In Relation To Landscaping

The Building Official may issue a conditional occupancy permit valid for a period of sixty (60) days, with an additional extension, if approved, not to exceed sixty (60) days upon the recommendation of the City Landscape Architect if any of the following conditions exist:

1. Except for the completion of landscape material installation, an occupancy permit would normally be issued,
2. Completion of the required landscaped areas before the occupancy permit is issued would result in hardship to the applicant, as applied in each case, or
3. If at the time a conditional occupancy permit is requested, it can be determined by the City Landscape Architect that because of the unavailability of plant material or that requiring completion of the landscaping at the time of such request would jeopardize the health of plant materials or weather conditions prohibit the

completion of planting.

4. Prior to issuance of such permit, the property owner shall produce an agreement to be approved by the City for the completion of the landscape work. Such contract shall specify that the work shall be completed by the owner before or during the year immediately following the date of application for said permit. Violations of these provisions shall be an unauthorized and illegal use of the property.

SECTION 615. BUFFER YARDS/SCREENING STANDARDS

615.1 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 development. They can also alleviate development disputes by reassuring neighboring property owners that the adjacent project will remain relatively unobtrusive. It is intended that these provisions shall constitute minimum requirements.

615.2 Purposes 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 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, fences, and walls, for the conservation and protection of property through provision of barriers against traffic, trespass, noise, heat, glare, 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.

615.3 Buffer Yards and Screens Required:

Whenever any lot which is located in any commercial or industrial zone, and which is occupied by commercial, manufacturing, or agricultural or mining activities; and abuts a lot located in any residential zone, it shall be buffered and/or screened from the residentially zoned lot along the entire abutting lot line except where a driveway or maneuvering aisle is shared with the abutting lot. The landscaped buffer yard and screening shall be subject to the 'Standards for required

Buffer Yard and Screening in 615.5. Landscaped berms may also be used. A site plan shall be required showing the proposed screening or buffering.

615.4 Site Plan 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 Site Plan and Preliminary Plat Review Committee, which will, upon review, make a recommendation regarding the submission. 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 drainage patterns and general landscape design in order to determine if the trees/ vegetation grow well in this region, and also if they make good visual screens.

615.5 Standards for Required Buffer Yard and Screening and Adjoining Properties:

In the table below, when a district adjoins a use indicated, a buffer yard and screen shall be provided by the developing use applying for a building permit as listed:

Proposed Use District	Adjoining Use District	Buffer Yard Minimum Width (in feet)	Screen Minimum Height (in feet)
E-R	R-1, R-2, R-3, MHR, MXR	10	6
R-1	AG, E-R, MHR, MXR	10	6
R-2	AG, E-R, R-1, MHR, MXR	10	6
R-3	AG, E-R, R-1, R-2, MHR, MXR	10	6
MHR	E-R, R-1, R-2, R-3, MX/DTC, C-1	15	6
MXR	E-R, R-1, R-2, R-3	10	6
MX/DTC	I-1 and I-2 districts	20	8
C-1	All AG and Residential districts	15	8
C-2	All AG and Residential districts	20	8
C-3	All AG and Residential districts	30	8
C-4	All AG and Residential districts	30	8
I-1	All Districts except L-2	30	8
I-2	All Districts except L-1	30	8

A buffer yard of the minimum width, unbroken except for vehicular and pedestrian access way shall be located parallel to the property line.

615.6 Buffer Yards Reserved for Screening and Landscaping:

No proposed building addition, structure, parking area or any other type of physical land improvement shall be located in a buffer yard. Notwithstanding the above, a driveway entrance

or a public road may cross a buffer yard if it is necessary for safe and convenient access to the building site.

615.7 Screening Relative to Abutting Properties:

In the table above, when a district abuts a use indicated, screening shall be provided as listed. Screening shall be visually opaque, and constructed of a durable material. It shall be installed within a required buffer yard and shall be continuously maintained so as to meet the intent of this section. Screening/fencing may consist of architectural and/or vegetative materials as follows:

1. Architectural Screening: A screen/fence wall of wood, masonry, stone, brick, concrete, earth berms, 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. Alternative materials may be approved.
2. Vegetative Screening: Trees and other vegetation as needed, shall be planted so as to provide year-round visual screening at heights required by the above table. If screening is exclusively vegetation, minimum height requirements shall be met at the time of issuance of the Site Plan Compliance Letter. Earthen berms are considered a part of vegetative screening. Existing vegetation within buffer yards shall be considered as a substitute for otherwise required landscaping, if the type, size, and density of the existing vegetation complies with the following standards and the intent of this Section.
3. Combination of materials: Whenever two or more alternative types of landscaping, fences, or walls are prescribed, they may be provided singly or in any combination.

615.8 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. (Encroachment is defined as 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, or otherwise employed for purposes other than screening.

615.9 Visibility at Intersections: See Section 400.6

615.10 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 fifteen (15) feet from the point of intersection.

615.11 Credit for Existing Plant Material:

If the owner(s) 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 Site Plan and Preliminary Plat Review Committee to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this ordinance.

615.12 Planned District Standards:

Fences, walls, 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.

615.13 Zone Screening Standards:

A screen (wall, fence, or landscaping) not less than six (6) feet or more than eight (8) feet in height shall be erected between commercially zoned property and abutting residentially zoned property and abutting residentially zoned property at the time that any building or structure is erected on the commercial property. 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 abutting residential property is the only screen that conforms to this section, and if it is removed, a new screen shall be required.

615.14 Fencing and Landscape Standards:

The screening required herein shall consist of a solid fence or wall at least fifty percent (50%) opaque and not less than six (6) nor more than eight (8) feet in height, but shall not extend within fifteen (15) feet of any street or driveway opening onto the street. The screening shall be placed along the property lines or in case of screening along a street, fifteen (15) 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 Site Plan and Preliminary Plat Review Committee may also be required in addition to, or in lieu of, fencing.

615.15 Disposal and Area Screening:

A masonry, concrete or wooden wall may be provided around all sides of commercial, industrial, and multi-family residential trash containers, which shall be provided with a gate for access and be of such height as to completely screen said containers, the maximum height of which shall not exceed six (6) feet; provided, however, that in multi-family districts, the trash containers may be enclosed so as to block a person’s view thereof by fencing, screening or a combination thereof, instead of the masonry or concrete walls. Any plan concerning screening or fencing shall be approved by the Site Plan Review Coordinator/Community Development Director, with his approval being based upon whether the screening is adequate so as to block the view of said containers.

Existing screening which complies with minimum standards may be used to meet the requirements of this ordinance.

- 615.15.1 Exceptions to Screening Requirements: The landscaping and screening requirements set forth in other in other provisions of the zoning regulations shall be subject to the following exceptions:
- 615.15.2. 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 a least equivalent height, opacity, and maintenance exists immediately abutting and on the opposite side of said lot lie
- 615.15.3. Height within required minimum yard. Required fences, walls, or dense landscaping need not be higher than 3 ½ feet in that portion of any required minimum yard which lies within ten (10) feet of any street line.
- 615.15.4. 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.

615.16 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.

615.17 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.

1. An opaque fence or wall along with additional shrubs or trees so that sixty (60) percent of the structure is covered within three (3) years of planting, or
2. Evergreen shrubs or trees, with optional berms, that can be expected to reach a height of at least six (6) feet within three (3) to five (5) years of planting.