

ZONING ORDINANCE
AND
SUBDIVISION REGULATIOINS
FOR
EUPORA, MISSISSIPPI

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TABLE OF CONTENTS

ZONING ORDINANCE

Part A: BUILDING AND ZONING RULES AND REGULATIONS

SECTION 1 STATUTORY AUTHORIZATION, JURISDICTION, PURPOSE, AND TITLE..... 7

1.1 STATUTORY AUTHORIZATION..... 7

1.2 JURISDICTION..... 7

1.3 PURPOSE..... 7

1.4 TITLE..... 8

SECTION 2 ZONING DISTRICTS AND MAP.....8

2.1 ZONING DISTRICTS..... 8

2.2 OFFICIAL ZONING MAP..... 8

SECTION 3 ZONING DISTRICT REGULATIONS.....9

3.1 R-1 LOW-DENSITY RESIDENTIAL DISTRICT.....9

3.2 R-2 MEDIUM-DENSITY RESIDENTIAL DISTRICT.....11

3.3 M-1 MOBILE HOME PARK DISTRICT.....11

3.4 C-1 CENTRAL COMMERCIAL DISTRICT.....15

3.5 C-2 HIGHWAY COMMERCIAL DISTRICT.....17

3.6 CMU-1 COMMERCIAL MIXED-USE DISTRICT.....18

3.7 I-1 INDUSTRIAL DISTRICT.....27

3.8 A-1 AGRICULTURAL DISTRICT.....28

3.9 F-1 FLOOD PLAIN DISTRICT.....29

3.10 AREA, SETBACK, AND HEIGHT REQUIREMENTS.....32

SECTION 4 GENERAL PROVISIONS.....33

4.1 COMPLIANCE.....33

4.2	NON-CONFORMING USES.....	34
4.3	ACCESSORY BUILDINGS.....	34
4.4	LOCATION OF BUILDINGS AND STRUCTURES.....	35
4.5	FENCES.....	35
4.6	CORNER LOTS.....	36
4.7	OFF-STREET PARKING.....	37
4.8	VEHICLE PARKING AND STORAGE.....	37
4.9	OFF-SITE OUTDOOR ADVERTISING SIGNS (BILLBOARDS).....	38
4.10	TRANSIENT / COMMERCIAL VENDORS AND YARD SALES.....	38
SECTION 5	ADMINISTRATION AND ENFORCEMENT.....	38
5.1	ZONING ADMINISTRATION.....	38
5.2	REQUIREMENT FOR BUILDING PERMIT.....	39
5.3	APPLICATION FOR BUILDING PERMIT.....	39
5.4	CERTIFICATE OF OCCUPANCY.....	40
5.5	PROCEEDINGS OF THE PLANNING COMMISSION.....	41
5.6	PROCEDURE FOR HEARINGS AND APPEALS.....	41
5.7	PROCEDURE FOR SPECIAL EXCEPTIONS.....	41
5.8	PROCEDURE FOR VARIANCES.....	44
5.9	EXPIRATION OF SPECIAL EXCEPTIONS AND VARIANCES.....	46
SECTION 6	AMENDMENTS.....	46
6.1	PROCEDURE FOR ADMENDMENT.....	47
SECTION 7	DEFINITIONS.....	48
7.1	DEFINITIONS.....	48

Part B:	SUBDIVISION REGULATIONS	
SECTION 1	STATUTORY AUTHORIZATION, JURISDICTION, PURPOSE, AND TITLE.....	55
1.1	STATUTORY AUTHORIZATION.....	55
1.2	JURISDICTION.....	55
1.3	PURPOSE.....	55
1.4	TITLE.....	56
SECTION 2	DEFINITIONS.....	56
2.1	DEFINITIONS.....	56
SECTION 3	PROCEDURE FOR PLAT APPROVAL.....	59
3.1	GENERAL.....	59
3.2	PREAPPLICATION CONFERENCE.....	60
3.3	PROCEDURE FOR APPROVAL FOR PRELIMIARY PLAT.....	60
3.4	PROCEDURE FOR APPROVAL OF FINAL PLAT.....	61
SECTION 4	PLAT AND DATA REQUIREMENTS.....	63
4.1	PRELIMIARY PLAT AND DATA.....	63
4.2	FINAL PLAT AND DATA.....	64
SECTION 5	REQUIRED IMPROVEMENTS.....	67
5.1	GENERAL POLICY.....	67
5.2	MONUMENTS AND MARKERS.....	68
5.3	STREETS.....	68
5.4	SANITARY SEWERS.....	70
5.5	STORM DRAINAGE.....	71

5.6	WATER SYSTEMS.....	72
5.7	EROSION AND SEDIMENT CONTROL.....	73
5.8	INSTALLATION OF UNDERGROUND UTILITIES.....	74
5.9	AS-BUILT PLANS.....	74
SECTION 6	DESIGN STANDARDS.....	75
6.1	STREETS.....	75
6.2	BLOCKS.....	76
6.3	LOTS.....	77
6.4	EASMENTS.....	77
6.5	FLOOD PLAIN AREAS.....	77
SECTION 7	LEGAL STATUS PROVISIONS.....	78
7.1	INTERPRETATION.....	78
7.2	SEPERABILITY.....	78
7.3	REPEAL OF CONFLICTING ORDINANCES.....	78
7.4	VARIANCES.....	78
7.5	PENALTIES FOR VIOLATION.....	79
7.6	AMENDMENTS.....	79
7.7	EFFECTIVE DATE.....	80

ZONING AND BUILDING ORDINANCE

ORDINANCE NO. 12522

AN ORDINANCE REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND WITHIN THE CORPORATE LIMITS OF EUPORA, MISSISSIPPI; PROVIDING FOR THE SIZE OF YARDS AND BUILDINGS, BUILDING CODES TO BE MET, OFF-STREET PARKING REQUIREMENTS, AND THE DENSITY OF POPULATION; CREATING DISTRICTS FOR SUCH PURPOSES; AND PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS CONTAINED HEREIN.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF EUPORA, MISSISSIPPI:

PART A: BUILDING AND ZONING RULES AND REGULATIONS

SECTION 1

STATUTORY AUTHORIZATION, JURISDICTION, PURPOSE, AND TITLE

1.1 Statutory Authorization

1.11 Pursuant to the authority set forth in Title 17, Chapter of the Mississippi Code of 1972

The City of Eupora, Mississippi does hereby adopt and enact into law the following sections.

1.2 Jurisdiction

1.21 This ordinance shall apply to all lands located within the corporate limits of Eupora, Mississippi.

1.3 Purpose

1.31 It is the purpose of this ordinance to promote the public health, safety, and general Welfare by provisions designed to:

- (1) Encourage land use and development in conformance with the community

development plan.

- (2) Ensure safety from fire, panic, and other dangers.
- (3) Prevent the overcrowding of land and avoid undue concentrations of population.
- (4) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- (5) Lessen traffic congestion.
- (6) Conserve the value of land and buildings.
- (7) Restrict or prohibit uses which are detrimental to health, safety, or property in times of flood.
- (8) Consolidate all relevant city ordinances into one document.

1.4 Title

This ordinance shall be known and may be cited as "Zoning Ordinances; Eupora, Mississippi".

SECTION 2 -ZONING DISTRICTS AND MAP

2.1 Zoning Districts

2.11 For purposes of this ordinance, the City of Eupora is divided into the following zoning districts:

- R-1 Low-Density Residential District
- R-2 Medium-Density Residential District
- R-3 Mobile Home Park District
- C-1 Central Commercial District
- C-2 Highway Commercial District
- CMU-1 Commercial Mixed-Use District
- I-1 Industrial District
- A-1 Agricultural District
- F-1 Flood Plain District

2.2 Official Zoning Map

2.21 The Official Zoning Map, together with all explanatory matter attached thereto,

Is hereby adopted and made a part of this ordinance. The official Zoning Map

Map shall clearly set forth the zoning districts and their respective boundaries

and shall be identified by the signature of the Mayor.

- 2.22 Unless otherwise indicated, district boundary lines are intended to follow lot lines, property line, corporate limits, or the centerlines of streets, alleys, railroads or streams.
- 2.23 Where uncertainty exists as to the exact location of a district boundary line as shown on the Official Zoning Map, the Mayor and Board of Alderman shall make the necessary interpretation.
- 2.24 If the official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of multiple changes and additions, the Mayor and Board of Alderman may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
- 2.25 Please see the Blight Prevention Ordinance, Junk Vehicle Ordinance, Animal Control Ordinances, The Historical District Ordinance as well as economic incentives given to the C-1 area. All of these current and previously passed ordinances shall be added by staff as appendixes as soon as possible upon final passage.

SECTION 3 - ZONING DISTRICT REGULATIONS

3.1 R-1 Low-Density Residential District

- 3.11 The R-1 district is reserved for large-lot, single-family residential purposes with related recreational, religious, and educational facilities.
- 3.12 The following uses are permitted in the R-1 district:
 - (1) Single-family detached dwellings (excluding mobile/manufactured housing).
 - (2) Accessory buildings customary, incidental, and subordinate to the use of the main buildings. The primary or main building must be completed before any accessory building is complete.
 - (3) Churches and schools, provided that any buildings shall not be located less than twenty (20) feet from any residential lot and provided that a

building setback is established of not less than forty (40) feet from the street right-of-way.

- (4) Public parks and playgrounds.

3.13 The following uses may be permitted only as special exceptions:

- (1) Private recreational areas and facilities of a non-commercial nature such as country clubs, golf courses, tennis courts and swimming pools.
- (2) Hospitals, provided that any buildings shall not be located less than fifty (50) feet from any residential lot.
- (3) Public utilities and facilities together with associated buildings that require location in the R-1 district.
- (4) Home occupations, provided they meet the definition in Section 7.

3.14 The following uses are prohibited in an R-1 District:

- (1) Commercial and/or business uses
- (2) Industrial Uses
- (3) Junkyards
- (4) Manufactured and/or Mobile Homes

3.15 Any signs erected within the R-1 district shall conform to the following standards; no sign of any type shall be permitted in the street or highway right of way:

- (1) Churches, schools, or other public institutions are permitted one (1) sign not to exceed twenty (20) square feet in area.
- (2) One (1) temporary, unlighted real estate sign advertising the sale or rental of the property on which it is posted, provided that it does not exceed nine (9) square feet in area and is located at least six (6) feet from the street right-of-way.
- (3) One (1) unlighted sign advertising a home occupation, provided that it

does not exceed two (2) square feet in area and is attached to the building.

3.16 Off-street parking requirements shall be as provided in Section 4.6.

3.17 Area, yard, and height requirements shall be as provided in Section 3.10.

3.2 R-2 Medium-Density Residential District

3.21 The R-2 district is similar in nature to the R-1 district while permitting a higher population density. Smaller single-family residential lots are permitted, as are new multi-family dwellings and older structures converted to multi-family use.

3.22 The following uses are permitted in the R-1 district:

- (1) Any use or structure permitted in the R-1 district.
- (2) Duplex, apartment building, or any other multi-family dwellings.
- (3) Rooming houses and tourist homes.

3.23 The following uses may be permitted only as special exceptions:

- (1) Any special exception uses permitted in, and subject to the restrictions of, the R-1 district.

3.24 The following uses are prohibited in an R-2 District:

- (1) Commercial and/or business uses
- (2) Industrial Uses
- (3) Junkyards
- (4) Manufactured and/or Mobile Homes

3.25 Any sign permitted in the R-1 district shall be permitted in the R-2 district. No sign of any type shall be permitted in the street or highway right of way.

3.26 Off-street parking requirements shall be as provided in Sections 4.6.

3.27 Area, yard, and height requirements shall be as provided in Section 3.10.

3.3 M-1 Mobile Home Park District

3.31 The M-1 district is an area reserved for the orderly, planned development of a mobile home park and related facilities.

3.32 The mobile Home Park District shall be developed in conformance with the provisions of Sections 3.33 and 3.34. Thereafter, the following uses shall be permitted in the M-1 district, subject to the provisions of of Section 3.35.

- (1) Mobile homes.
- (2) Accessory buildings customarily incidental and subordinate to the use of mobile homes.
- (3) Buildings housing facilities which are intended primarily for the use of residents within the M-1 district such as laundromats and nurseries.
- (4) Recreational facilities such as playgrounds, tennis courts, and swimming pools which are intended primarily for the use of residents within the M-1 district.

3.33 The Mobile Home Park District shall be developed in conformance with the following standards:

- (1) The minimum gross area including required drives and buffer strips, for any Mobile Home Park shall be three (3) acres.
- (2) The maximum density shall be eight (8) mobile home lots per gross acre.
- (3) Each Mobile Home lot shall have width of at least forty (40) feet, exclusive of common driveways, and shall have an area of at least thirty-five hundred (3500) square feet.
- (4) All mobile home lots shall abut upon a driveway not less than twenty (20) feet in width. All driveways shall be surfaced with

not less than four (4) inches of gravel or other suitable material.

- (5) Four (4) off-street parking spaces with not less than four (4) inches of gravel or other suitable material shall be provided for each mobile home lot.
- (6) A minimum buffer strip of fifteen (15) feet shall be provided between Mobile home Park and any adjacent land uses or streets. The strip must be landscaped with trees, shrubs, and other plantings at least five (5) feet in height.
- (7) Each mobile home lot shall be graded so as to prevent any water from ponding or accumulating on the premises.

3.34 Development plans complying with the provisions of this section shall be submitted to the Planning Commission for approval and thereafter submitted to the Mayor and Board of Alderman for final approval. Such plans shall be drawn at a scale of one (1) inch equals fifty (50) feet and shall show the area and dimensions of the mobile home park district; the ownership and use of the adjacent properties; all proposed entrances, exits, driveways, and parking spaces; the number, location, and size of all mobile home lots; the location of water and sewer lines and riser pipes; plans and specifications of all buildings to be constructed; and the location and details of lighting and electrical systems.

3.35 Buildings and mobile homes within the City of Eupora and the M-1 district shall be located in conformance with the following requirements:

- (1) No mobile homes or other structure within a Mobile Home Park shall be closer to each other than ten (10) feet, except that storage or other auxiliary structures for the exclusive

use of the mobile home may be no closer than ten (10) feet to another mobile home.

- (2) No mobile home shall be located closer than twenty-five (25) feet from the boundary line abutting upon a public street or highway and at least fifteen (15) feet from other boundary lines of the Mobile Home Park. No mobile home lot shall be located on ground susceptible to flooding.
- (3) Each occupied mobile home within the Mobile Home Park must be connected to the municipal water and sewerage systems.
- (4) Mobile homes shall be anchored according to International Building Code Requirements.
- (5) No mobile homes shall be less than thirteen hundred (1300) square feet of heated area.
- (6) No manufactured or modular home more than ten (10) years old may be relocated or moved onto any lot within the city limits of Eupora.
- (7) Homes shall bear the FMHCCS Label or Seal of Compliance.
- (8) Homes shall have a minimum of a 3/12 roof pitch with asphalt shingles or corrugated metal roofing.
- (9) All homes shall be placed on the lot in harmony with the existing site-built structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the city street providing access to the site. In an M-1 District a mobile home may be sited perpendicular to the city street providing access to the site.
- (10) The towing tongue, wheels, and hitch-axle shall be removed upon final placement of the unit.
- (11) All mobile/manufactured homes shall be placed on a permanent masonry foundation with appropriate screening of the foundations.
- (12) All mobile/manufactured homes shall have either a deck or porch with steps at each entrance constructed and installed in accordance with the standards set forth by the International Building Code. The minimum square footage of the floor of such porch or deck shall measure at least thirty-six (36) square feet.

(13) All mobile/manufactured homes located within the city limits of Eupora, Mississippi must conform to the guidelines as set forth in the National Manufactured Housing Construction and Safety Standards Act of 2000 (“NHCSSA”).

3.36 All mobile/manufactured homes that are not currently located in areas zoned M-1, upon adoption of this ordinance and city zoning map are deemed non-conforming uses. Mobile/manufactured homes existing prior to the passage of this ordinance may continue to be used for residential purposes as long as the non-conforming status is maintained as described in Section 4.2. Subject to the provisions of this ordinance, all occupants of existing non-conforming mobile/manufactured homes will be afforded all rights and privileges of the City of Eupora including water, sewer, gas and any other utility and privilege afforded to all citizens

3.4 C-1 Central Commercial District

3.41 The C-1 district contains the central business district of Eupora and is reserved for compactly developed commercial and business uses.

It is intended that the C-1 district function as the primary retail and business center of the community with ease of access and parking while remaining pedestrian oriented.

3.42 The following uses are permitted in the C-1 district:

- (1) Department stores, dry goods and clothing stores, variety stores, hardware stores, barber and beauty shops, specialty shops, drugstores, business offices, medical and professional offices, banks and other financial institutions, laundromats, and similar retail establishments.
- (2) Theaters, bowling alleys, and similar entertainment establishments.
- (3) Grocery stores and similar establishments.

- (4) Commercial printing and publishing establishments.
- (5) Community centers, libraries, and other governmental facilities not detrimental to the character of the C-1 district.
- (6) Public utilities which must necessarily be located in the C-1 district.
- (7) Religious assemblies consisting of facilities primarily intended for public worship, the conducting of organized religious services and religious training and other associated activities, which facilities are exempted from Section 3.46 requirements herein.
- (8) Restaurants consisting of business establishments that provide prepared food for patrons for consumption on the premises (inside or outside service) or for takeout; which establishments may (or may not) provide alcoholic beverages as defined in 67-1-5(a) of the Mississippi Code of 1972, as amended, light wine, light spirit product, and beer as defined in 67-3-3 of the Mississippi Code of 1972, as amended, and live entertainment. Alcoholic Beverages as defined in 67-1-5(a) of the Mississippi Code of 1972, as amended, light wine, light spirit product, and beer as defined in 67-3-3 of the Mississippi Code of 1972, as amended, may be sold and consumed in conjunction with the restaurant's food service and said sales and consumption shall meet all applicable state and local laws, regulations, and ordinances.

3.43 The following uses shall be permitted only by variance:

- (1) Any other business or establishment which is in keeping with the nature and character of uses permitted in Section 3.42, as determined by the Planning Commission.

3.44 The outside display or storage of merchandise or goods shall not be permitted in the C-1 district when such display or storage extends beyond the front building line.

3.45 Off-street parking is not required in the C-1 district.

3.46 Area, yard, and height requirements shall be as required in Section 3.10.

3.47 No sign of any type shall be permitted in the street or highway right of way.

3.5 C-2 Highway Commercial District

3.51 The C-2 district is reserved for a wide variety of automobile oriented business, service, and retail establishments.

3.52 The following uses are permitted in the C-2 district:

(1) Any use permitted in the C-1 district.

(2) Automotive related service establishments such as gasoline service stations, automotive parts supply, body shops, and garages.

(3) Veterinary hospitals, kennels, and related facilities.

(4) Funeral homes and mortuaries.

(5) Farm machinery and equipment sales and service establishments.

(6) Woodworking, plumbing, and electrical shops; upholstering shops; air conditioning and heating shops; and similar establishments.

(7) Motels, B & B's.

(8) Wholesale, storage, and warehousing establishments.

(9) Nurseries and greenhouses.

(10) Open space recreational facilities such as ball parks, golf courses, and amusement parks.

(11) Automobile sales lots.

3.53 The following uses shall be permitted only as special exceptions:

- (1) Any other wholesale, retail, or business establishment which is in keeping with the nature and character of uses permitted in Section 3.52, as determined by the appropriate overseeing Board or Commission.

3.54 Off-street parking requirements shall be as provided in Section 4.6.

3.55 Area, yard, and height requirements shall be provided in Section 3.10.

3.56 No sign of any type shall be permitted in the street or highway right of way.

3.6 CMU-1 Commercial Mixed-Use District

3.61 The CMU-1 District is intended to accommodate a range of retail, service, civic, entertainment, recreation, and higher density residential uses to create a new focal point of community activity and to integrate living, working, shopping and recreation activities. The uses are intended to exist in a compatible and complementary manner with surrounding uses and districts. Street-based store frontages and plazas are encouraged to provide for a pedestrian-friendly atmosphere.

3.62 The following uses are permitted in the CMU-1 Zoning District. Permitted uses in the CMU-1 Zoning District are limited to site developments with no more than thirty thousand (30,000) square feet aggregate gross structure area and are as follows:

- (1) Any use permitted in an R-1, R-2 or C-1 District;
- (2) Multifamily structure except that a multifamily structure or its accessory uses are not permitted at street level if fronting on Veterans Memorial Boulevard or Government Avenue;

- (3) Residential Development: Single-family dwelling residential development is not allowed in the CMU zone. Residential development must be at a minimum density of five (5) units per acre but shall not exceed fifteen (15) units per acre, and should complement and support the primary commercial uses in the CMU zone district.
- (4) Mixed use development; provided, that any structure that includes residential use shall provide at least four dwelling units and that residential use or accessory uses are not permitted at street level if fronting Veterans Memorial Boulevard or Government Avenue;
- (5) Professional office including consulting, insurance, real estate sales, professional organizations, radio station without an on-site transmission tower;
- (6) Retail sales store including, but not limited to, the sale or rental of the following items: antiques, appliances (new), art, bicycles, books, carpets, clothing, fabrics, flowers, food, furniture, garden supply, gifts, hardware, hobby supplies, jewelry, newspapers, office equipment and supplies, paint, pets and pet supplies, pharmaceuticals, photography supplies, pottery, shoes, sporting goods, stationery, tile, toys, videos and wallpaper, year-round farmer's market, food/grocery/supermarket;
- (7) Commercial service including, but not limited to, banking, beauty and hair care, cleaning, copying, dry cleaning, glass studio works, financial, health (club), laundry, locksmithing, paging, pet grooming, printing (small-scale), studio photography, tailoring, telecommunication sales;
- (8) Entertainment facility, including arcade, indoor miniature golf course, indoor movie or stage theater, museum;
- (9) Commercial instruction including, but not limited to, airline, art, barber, beauty, business, computer, dance, driving, gaming dealers, language, music, photography, self defense and trade;
- (10) Hotel;
- (11) Public and quasi-public use and facility including, but not limited to, community center, court, fire station, governmental office, parking facility, park, police station, pool, splash pad, senior center, school, substation, utility and well facility;

(12) Restaurant or Family-oriented dining establishment, where alcoholic beverages may be served as incidental and complementary to the serving of food, such that any area that is primarily intended for dispensing and consumption of alcoholic beverages, including but not limited to a lounge or bar, shall not occupy more than 25 percent of the total floor areas intended for public use;

(13) Brewpub, including beer and wine. An eating and drinking establishment having a microbrewery on the premises which produces beer, ale, or other malt beverage, or wine, and where the majority of the beer/wine produced is consumed on the premises. This classification allows a brewpub to sell beer/wine retail and/or act as wholesaler for beer of its own production for off-site consumption, with appropriate state licenses;

(14) Electric vehicle infrastructure;

(15) Mobile food vendors or Food Truck Court

3.63 Accessory Uses in a CMU-1 District

(1) Home Occupation

(2) Commercial accessory use or structure which is subordinate and incidental to a permitted commercial structure. Commercial accessory uses and structures may include, but are not limited to, storage shed, noncommercial greenhouse, fence (six feet or less in height) and the accessory uses listed above. Gross floor area of the accessory structure shall not exceed 1,000 square feet or 20 feet in height.

3.64 Conditional Uses in a CMU-1 District

(1) Any site development with more than thirty thousand (30,000) square feet aggregate gross structure floor area shall require a special exception.

3.65 Development Review

(1) Project Review and Approval - All projects proposed within the CMU-1 zone shall be reviewed and approved either as a planned unit development or as a planned center development by the City of Eupora and/or designees of the city. For projects proposed to be phased, each individual phase approved must meet all standards and criteria of this

title and the objectives of this commercial mixed-use zone. Revisions to approved planned unit or planned center development projects must be reviewed and approved as new development applications subject to the applicable regulations then in effect.

3.66 Density and Dimensional Standards

(A) Residential Development: Single-family dwelling residential development is not allowed in the CMU zone. Residential development must be at a minimum density of five (5) units per acre but shall not exceed fifteen (15) units per acre and should complement and support the primary commercial uses in the CMU zone district.

(B) Nonresidential Development:

(1) Maximum Single Tenant Floor Space: The maximum square footage for a single nonresidential tenant in a commercial center shall be thirty thousand (30,000) gross square feet.

(2) Lot Size: No requirement.

(3) Lot Width: No requirement.

(4) Building Height: Maximum building height shall not exceed forty (40') feet. Any proposed development more than forty (40') feet shall require a variance.

3.67 Design Standards

The following design standards shall be implemented throughout the commercial mixed use zone to create a cohesive, attractive appearance that is inviting and pedestrian friendly, and which encourages travel by foot, bicycling, vanpooling, carpooling in addition to traditional automobile transport:

(A) Building Design: Structures in the zone shall incorporate a limited number of architectural styles or motifs, which shall establish an identifiable architectural character for the neighborhood. Building designs, including accessory structures, shall be complementary throughout the zone in terms of: 1) consistency of roof and siding materials and colors; 2) similar window and door patterns; and 3) similar streetscapes, including landscaping, light fixtures

and similar site amenities. The height, size, bulk and arrangement of buildings on a development site should be designed to invite pedestrian circulation and offer an attractive streetscape.

- 1) Buildings shall provide a clear visual division between all floors. The top floor of any building shall contain a distinctive finish, consisting of a roof, cornice or other architectural termination.
- 2) The facade of every floor greater than thirty (30) linear feet and visible from a street shall incorporate architectural features designed to provide human scale and visual interest. Compliance can be achieved through balconies, alcoves, arches, columns, porticoes or wall segments that create at least a two-foot (2') variation in plane for at least ten (10) linear feet for each thirty feet (30') of facade visible from a street.
- 3) For nonresidential development and the nonresidential floor of mixed-use buildings, at least fifty percent (50%) the linear frontage of any wall visible from a street shall incorporate windows, doors, display windows or other architectural features
- 4) When located on a roof, mechanical equipment shall be screened by roof components, parapets, cornices, or other architectural features.

(B) Exterior Materials: Exterior materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.

- 1) Details of proposed colors and materials, including color chips, samples and colored building elevations, shall be shown on building plans when a development project application is submitted.
- 2) Reflective surfaces shall not be used in locations which may produce excessive reflections or glare that may create a potential safety problem.

- 3) Tile, architectural grade asphalt shingles, standing seam metal or similar quality roofing materials shall be used on all visible pitched roofs.
- 4) Buildings on pads in commercial developments, including service stations, convenience stores, restaurants, auto maintenance facilities and similar uses, shall be designed in a compatible architectural style, and should incorporate the same materials, colors, and landscaping as the primary development.

(C) Pedestrian and Vehicular Circulation

- 1) A network of convenient, safe, and raised or textured pedestrian paths and walkways should connect areas within the project, and through the project to adjacent properties.
- 2) Public rights of way shall be wide enough to incorporate sidewalks. In nonresidential areas, sidewalks shall be at least four feet (4') in width, or a parallel sidewalk and bicycle/jogging lane, each four feet (4') in width.
- 3) Public seating and bicycle racks may be provided near entrances to nonresidential and mixed-use buildings or groups of buildings. Benches should be provided at locations where they are most likely to be used, rather than at regular intervals along the sidewalk; and should be placed together with other street amenities, such as light poles, kiosks, waste receptacles, planters, etc. All street amenities should share a common theme in their design that is representative of the development.
- 4) Vehicular traffic aisles within the project should provide a circulation pattern which is convenient and safe. The location and number of vehicle access points to the site, the interior circulation pattern, and the separation between pedestrians and vehicles should be designed to maximize safety and convenience.
- 5) Public art may be provided at key locations in a CMU zone area.

(D) Landscaping: Landscape designs shall incorporate appropriate plant material

that will survive and flourish with comparatively little supplemental irrigation. These plants should be native and drought tolerant. Invasive species shall not be used. All open areas within a site shall contain grass, ground cover, or other living plant material. Stone and/or gravel is not a permitted mulching material.

- 1) Required Percentage: At least twenty percent (20%) of any development site shall be devoted to landscaping, exclusive of required park strips and walks. Additional landscaping should be provided where needed to buffer and achieve compatibility between different adjoining uses.
- 2) Approved Landscaping Plan: All areas of a developed site not occupied by buildings, required parking, driveways, walkways, or service areas shall be landscaped according to an approved landscaping plan. These areas may also incorporate hardscape for patios, plazas, and courtyards, which areas shall be credited against the landscape requirement.
- 3) Street Trees: Street trees shall be provided on all street frontages at a spacing of thirty feet (30') to fifty feet (50') on center. Street trees shall be planted within a landscape strip of at least six feet (6') in width, between the roadway and sidewalk where feasible. Street trees shall be planted no closer than twenty feet (20') to light standards.
- 4) Parking Areas: Parking areas shall be shaded by large broadleaf canopied trees placed at a rate of one tree for each twelve (12) parking spaces. Parking shall be adequately screened and buffered from adjacent uses. Additionally, a continuous row of shrubs shall be planted along the entire length of the perimeter drive island next to street frontage or adjacent property with a minimum mature height of three feet (3') and a maximum spacing of ninety percent (90%) of the shrubs expected spread within three (3) years of planting.
- 5) Open Space: Open space should be an integral part of the development project. Wetlands and vegetated drainage detention

sites may be considered open space. The open space within a project should be integral to the site design, not small, leftover pieces of land. Open space may also be used as a buffer between adjacent properties and uses. In mixed use projects with a multiple-family component, common open space should equal or exceed the ground floor area of all residential structures on site. To preserve an open look, fencing in large projects should be limited to the perimeter of the project, using visually open fencing materials.

- 6) Outdoor Lighting: Outdoor lighting should provide for the illumination of buildings and grounds for safety purposes, but in an aesthetically pleasing manner. Lighting should be focused downward and placed and screened to limit the emission of light beyond the development boundaries. A condition to approval of a development may be that certain lighting be extinguished after certain hours.

(E) Parking:

- 1) Parking Lot Design: Parking lot design should include a useful pedestrian circulation system, adequate turning radii and efficient traffic movement pattern, a pleasant appearance, convenient parking locations, efficient drainage and integration of parking with the character of the site and proposed development.
- 2) Parking Lot Lighting: Parking lot lighting shall be down focused and designed to avoid direct illumination of adjacent property.
- 3) Pedestrian Walkways: Where feasible, pedestrian walkways shall be incorporated into parking lots of any size. Parking lots with more than one hundred (100) spaces shall be divided by landscaped areas, including a walkway at least ten feet (10') in width.
- 4) Bicycle Racks: Secure bicycle racks may be provided at likely destination stops to encourage the use of bicycles to access those destinations. Racks shall be designed with standards consistent to the development.

- 5) Shared Parking: Developments incorporating a mix of uses generally require fewer parking stalls due to shared patronage of retail stores and varying hours of peak use by office users and retail customers. For mixed use projects, developers shall provide an analysis of projected parking needs for consideration to justify any reduction in required parking stalls, with a maximum allowed reduction of fifty percent (50%).

(F) Signage:

- 1) The following sign types are permitted in a CMU-1 Zone: monument, facade mounted, suspended/supported, projecting, awning/canopy, and window signs. Monument signs shall be limited to eight feet (8') in height above finished grade, twelve feet (12') in width, and shall not exceed eighty (80) square feet of sign area.
- 2) Pole / Pylon Signs exceeding eight feet (8') in height are prohibited.
- 3) Character: Sign character will be compatible with the character of surrounding neighborhoods.
- 4) Sign Lighting: Light may be cast directly onto the face of the sign by an external light source. In such instances, the light must be focused on the sign face; Halo signs are permitted; Backlighting through routed letters/copy or through the material that comprises the letters/copy in the sign face is permitted if the light source is screened from direct view; Exposed neon tubing and/or individual light bulbs forming the sign copy shall not be permitted on any sign. Exposed neon signs shall be permitted inside a business/tenant space but shall not be placed within ten feet (10') of the inside surface of the storefront window.
- 5) LED and/or digital signs are not permitted.
- 6) No sign of any type shall be permitted in the street or highway right of way.

3.7 I-1 Industrial District

- 3.71 The I-1 district is an area reserved for industry, manufacturing, assembling, Fabrication, processing and related uses which usually require access to major highway and rail facilities. No industrial use may be permitted which is likely to be dangerous or offensive by reason of the emission of dust, gas, smoke, noise, fumes, or vibration. ~~or glare.~~
- 3.72 The following uses are permitted in the I-1 district:
- (1) Any industrial, manufacturing, assembling, fabrication, or processing use such as wood or metal processing and fabricating; textile mills; clothing manufacturing; sheet metal shops; machine shops; furniture manufacturing; feed mills; cotton gins; bottling plants; cement plants; greenhouses; indoor growing / cultivation, or agricultural research facilities, and food processing.
 - (2) Transportation terminals such as trucking terminals; rail terminals; and moving and storage facilities.
 - (3) Accessory uses and buildings which are customarily incidental to a permitted use.
- 3.73 No building or structure located within the I-1 district shall be used for any type of permanent or temporary dwelling unit or residence.
- 3.74 Along each property line adjacent to a residential district, the property owner or tenant shall establish and maintain a buffer strip fifteen (15) feet wide containing an evergreen hedge to provide screening from

noise, fumes, dust, and unsightly appearance.

3.75 No sign of any type shall be permitted in the street or highway right of way.

3.8 A-1 Agricultural District

3.81 The A-1 district is reserved primarily for agricultural, floodplain, and other open space uses. It is intended that the A-1 district be protected from intensive development until such time as urban expansion requires a higher use, and the applicable areas of the district are rezoned.

3.82 The following uses are permitted in the A-1 district:

- (1) All forms of agriculture, horticulture, and forestry.
- (2) Single-family and duplex dwellings (mobile/manufactured homes only with approved special exception).
- (3) Nurseries, greenhouses and indoor growing, cultivation, or agricultural research facilities.
- (4) Public and private open-space recreational areas such as parks, playgrounds, ball fields, golf courses, horse tracks, and stables.
- (5) Any accessory buildings which are customarily incidental to any permitted use, such as barns or storage sheds.

3.83 The following uses may be permitted only as special exceptions:

- (1) Schools
- (2) Cemeteries
- (3) Other low intensity uses which the Planning Commission determine

are in keeping with the nature and character of uses permitted in the A-1 district.

(4) Mobile / Manufactured homes

3.84 No sign of any type shall be permitted in the street or highway right of way.

3.9 F-1 Flood Plain District

- 3.91 The F-1 district consists of those areas identified by the Federal Government on the most recent flood plain map. The F-1 district shall be considered as an overlay district, adding flood related regulations to the use provisions of the underlying zoning districts. The resultant regulations would permit any type of use that would normally be permitted in that zone as long as the use is elevated, or flood proofed to above the regulatory flood level or not in violation of the subsequent violations.
- 3.92 The following open-space uses shall be allowed with approved permit in the F-1 district to the extent that they are not prohibited by the underlying zoning district.
- (1) Agricultural uses such as general farming, livestock, pasture, horticulture, truck farming, and forestry.
 - (2) Industrial-commercial uses such as loading areas, parking areas.
 - (3) Recreational areas such as parks, golf courses, ball fields, and playgrounds.
- 3.93 The following uses may be permitted only as special exceptions, provided that they are not prohibited by the underlying zoning district and meet all Local, State, and federal regulations.
- (1) Residences and other structures constructed on fill so that the

first floor and basement floor are one (1) foot above the regulatory flood level. The fill shall be at a point no lower than one (1) foot below the regulatory flood level and shall extend at such elevation at least five (5) feet beyond the limits of any structure thereon. However, no use or fill shall be constructed which will adversely affect the capacity of any tributary, drainage ditch, or other drainage system.

- (2) Uses at an elevation below the regulatory flood level and having a low flood damage potential, such as drive-in theaters; used car lots; roadside stands; storage areas for machinery or materials; and barns, kennels, and stables.

3.94 The requirements of this ordinance pertaining to the regulation of the

F-1 Flood Plain District shall always encompass the rules and regulations of FEMA, MEMA, and the National Flood Insurance Program as made available to the City of Eupora. **IT IS THE RESPONSIBILITY OF THE LANDOWNER**

AND/OR DEVELOPER TO BE AWARE OF THESE STATE AND FEDERAL REGULATIONS. The Building Inspector of the City of Eupora shall always refer to the most recent guidance from State and federal Officials.

3.10 Area, Setback, and Height Requirements

District	Minimum Lot Area	Minimum Lot Area / Dwelling Unit	Maximum Height Limit	Minimum Lot width at Bldg. Setback Line	Maximum Percent of Lot Coverage	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
R-1	12,000 sq. ft.	12,000 sq. ft.	35 ft.	90 ft.	35%	25 ft.	10 ft.	20 ft.
R-2	7,200 sq. ft.	7,200 sq ft for first family, plus 4,000 sq. ft. for second family, plus 3,000 sq. ft. for each additional family	35 ft.	60 ft.	35%	25 ft.	10 ft.	20 ft.
C-1	No Requirement	N/A	40 ft.	No Requirement	100%	None	None(1)	None(1)
C-2	No Requirement	N/A	40 ft.	No Requirement	33%	45 ft.	15 ft. (2)	20 ft.
CMU-1	No Requirement	N/A	40 ft.	No Requirement	100%	None	None(1)	None(1)
I-1	No Requirement	N/A	40 ft. (3)	No Requirement	33%	45 ft.	25 ft. (4)	25 ft. (4)
A-1	12,000 sq. ft.	12,000 sq. ft.	35 ft.	90 ft.	35%	35 ft.	10 ft.	20 ft.

NOTE: The height limits of this ordinance shall not apply to barns, silos, other farm structures or buildings, church spires, monuments, transmission towers, chimneys, smokestacks, flagpoles, radio towers, grain elevators, and other structures which require excessive height to function properly.

- 1) When abutting any residential district, 15 feet.
- 2) When abutting any residential district, 20 feet.
- 3) For each foot of height above 40 feet, an additional one foot of front, side, and rear yard is required.
- 4) When abutting a residential zone, 50 feet.

SECTION 4
GENERAL PROVISIONS

4.1 Compliance

4.11 The requirements set forth by this ordinance shall be minimum requirements and, except as hereinafter provided:

- (1) The City of Eupora adopts and adheres to “An Ordinance Regulating the Construction of a Dwelling, Establishing Requirements, Size and Standards Fixing Penalties for Violators and declaring Date of Erect or Placement” found in Ordinance Book 3, page 47. See Ordinance.
- (2) All subdivision covenants recorded in the Webster County Chancery Clerk’s Office (either separately or within property deeds) and at City Hall Are accepted and adopted by the City of Eupora to be enforced by said City as part of this ordinance.
- (3) No building, structure, or land shall be used or occupied except in conformity with the regulations specified for the district in which it is located.
- (4) No building or other structure shall be erected, altered, enlarge, converted, moved, or demolished except in conformity with the area, height, and off-street parking requirements of this ordinance.
- (5) No part of a yard, frontage, parking space, or open space required in this ordinance in connections with any building shall be included as part of a yard, frontage, parking space, or open space similarly required for any other building.

4.2 Nonconforming Uses

4.21 A building or structure or the use thereof, which was lawful before the passage of this ordinance, but which is not now in conformity with the provisions of this ordinance may be continued subject to the following conditions:

- (1) No such use shall be expanded, changed, enlarged, or altered in such way as to increase its nonconformity.
- (2) No structural alteration, addition, or repair to any nonconforming structure shall exceed fifty (50) percent of its appraised value at the time of it becoming a nonconforming use, unless the structure is permanently changed to a conforming use.
- (3) If such use discontinued for six (6) consecutive months, any future use shall conform to the provisions of this ordinance, except when the discontinuance has been for reasons beyond the owner's control.
- (4) If any nonconforming use or structure is destroyed by any means to an extent of fifty (50) percent or more of its appraised value, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- (5) Uses or accessories thereto which are or become nuisances shall not be entitled to continue as nonconforming uses. In such cases the Mayor and Board of Alderman may specify a date by which the nonconforming use must either comply with the provisions of this ordinance or cease to exist.

4.3 Accessory Buildings

4.31 In no case shall an accessory building be located in a front yard or side yard as defined by this ordinance.

4.32 No accessory building shall be located within five (5) feet from any lot

line or any other building.

4.33 The primary or main building must be completed before any accessory building is completed.

4.4 Location of Buildings and Structures

4.41 Any building erected or moved after the adoption of this ordinance shall be on a lot having frontage on a public street. All structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

4.5 Fences

4.51 It shall be unlawful for any person to construct or substantially replace any fence within the city unless a permit to do so is first obtained from the building official. The owner of the property, or the owner's duly authorized agent or contractor, shall present a written application for such permit to the building official, in which application there shall be set out the legal description of the property, the name of the owner, the name of the agent or contractor, if any, and the plans and specifications of the fence proposed to be constructed. Such fence shall be constructed only within the property boundaries of the property described in the application presented to the building official. The fee for such permit shall be as established by the building administrator.

4.52 Fences in all districts of the city shall be maintained in good repair and shall be kept vertical, uniform and structurally sound, and all repairs shall blend in with the fence and be compatible therewith in color and material. Fences constructed of wood or

metal shall be uniformly painted or stained or otherwise treated or sealed to prevent weathering or deterioration.

4.53 Any fence not otherwise prohibited and no more than ten feet in height is permitted within an area demarcated by the property side line from the front of a residence or other main building to the rear property line and across the area property line. While a fence section may be permitted along property lines between the front property line and the back property line no fully enclosed fence shall be erected between the front building line and the front property line of any residentially zoned parcel.

4.54 Fences shall be constructed of wood, masonry or be of open metal construction. No part of such fence shall be constructed on an adjoining property. Barbed wire fences, sharp pointed fences, electrically charged fences, or fences constructed of any materials which are liable to snag, tear, cut or otherwise injure anyone coming into contact with them shall not be permitted, except as otherwise permitted in this article.

4.6 Corner Lots

4.61 Lots formed at the intersection of two (2) streets shall be required to provide a front yard setback from only one (1) of the streets. The setback required from the remaining street shall not be less than one-half (1/2) of the normally required setback. On corner lots any side adjacent to a city street shall be considered a front yard.

4.7 Off-Street Parking

4.71 Each required off-street parking space shall be no less than two hundred (200) square feet in area exclusive of access and circulation lanes. The required number of off-street spaces for the parking and storage of vehicles shall be provided as follows:

- (1) Dwelling Units – two (2) spaces minimum. One (1) space per bedroom
- (2) Retail stores- one (1) space for each two hundred (200) square feet of gross floor area.
- (3) Wholesale stores- one (1) space per two (2) employees.
- (4) Industries- one (1) space per two (2) employees on the largest shift.
- (5) Motels and lodging houses- one (1) space for each guest room plus one (1) space per two (2) employees.
- (6) Hospitals- one (1) space per three (3) beds plus one (1) space per two (2) employees.
- (7) Schools- one (1) space per employee plus one (1) space per ten (10) students for secondary schools.
- (8) Restaurant, café, or similar establishment – one (1) space per three (3) seats.
- (9) Business and professional offices – one (1) space per two hundred (200) square feet or gross floor area.
- (10) Churches – one (1) space per six (6) seats in the principal place of assembly.
- (11) Service stations – three (3) spaces for each grease rack.

4.62 The off-street parking requirements for any use not mentioned herein shall be determined by the Mayor and Board of Alderman.

4.8 Vehicle Parking and Storage

4.81 Automotive vehicles or trailers of any type without current license

plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

4.9 Off-site outdoor advertising signs (billboards)

4.91 The City of Eupora adopts and accepts the ordinance located in Book 3, Page 65. See said ordinance.

4.10 Transient/Commercial Vendors and Yard Sale Ordinance

4.101 The City of Eupora adopts and accepts the Ordinance located in Book 3, Page 62. See said ordinance.

SECTION 5

ADMINISTRATIOIN AND ENFORCEMENT

5.1 ZONING ADMINISTRATOR

5.11 A Zoning Administrator designated by the Mayor and Board of Alderman shall administer and enforce this ordinance. If the Zoning Administrator finds a violation of the provisions of this ordinance, he shall notify the persons responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct it. He or she shall take any other action

authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

5.2 Requirement for Building Permit

5.21 No Building or other structure shall be erected, moved, enlarged, Altered, or demolished without a building permit issued by the Zoning Administrator in conformity with the provisions of this ordinance.

5.3 Application for Building Permit

5.31 All applications for building permits shall be made to the Zoning Administrator and shall include the following:

- (1) Scale drawing showing the shape and dimensions of the lot to be built upon.
- (2) Plans drawn to scale showing the location, size, and height of all existing and proposed buildings or structures.
- (3) Plans for fill and storage of materials and such other information as may be necessary to determine conformance with the provisions of this ordinance.

5.32 Residential Permitting Requirements –Permits required:

- (1) Any addition or alteration in excess of two thousand and five hundred dollars (\$2500).
- (2) Any dwelling units including accessory dwellings regardless of square footage.
- (3) Any addition, alteration, modification, demolition or improvement that includes electrical, plumbing, and/or structural work.

5.33 Residential Permitting Requirements –Permits exempt:

- (1) Re-roofing
- (2) Platforms, decks, walks, and driveways not exceeding thirty (30) inches above grade.
- (3) Prefabricated above ground swimming pools, less than 24" in depth and does not exceed five thousand (5,000) gallons.
- (4) Direct window replacement with no structural changes (unless structure is in the City of Eupora Historic District. Certificate of Appropriateness is required in a historic district).
- (5) Painting, papering, tiling, carpeting, installation of cabinets or countertops, and similar finish work.

5.34 Commercial Permitting Requirements - For commercial and mixed-use developments any construction or alteration in excess of one thousand (\$1,000), or for demolition, a permit is required.

5.35 Working without a Permit – an approved permit shall be required prior to the issuance of a Certificate of Occupancy. Should a property owner proceed without a permit then the permit fee shall be three (3) times the original/base permit fee and a penalty of up to five-hundred \$500 per day for each day the property owner is in violation.

5.4 Certificate of Occupancy

5.41 Certificate of Occupancy Requirements - No land, building, or structure or part thereof shall be permitted for occupancy or use until a certificate of occupancy has been issued by the Building Official or Zoning Administrator stating that such land or structure is found to be in conformity with the provisions of this ordinance. Within seven (7) days after the owner or his/her agent has notified the Building Official that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Official to make a final inspection thereof, and to issue a certificate of occupancy if the building or premises is found to conform to the

provisions of the ordinance of the City of Eupora. If the Certificate of Occupancy is refused the Building Official shall state in writing the reasons for refusal to issue the Certificate of Occupancy. A certificate of occupancy shall be required prior to water/wastewater service activation within the city limits of Eupora, Mississippi. A temporary certificate of occupancy up to ninety (90) days may be granted by the building official and water service may be provided, however, at the expiration of the temporary certificate of occupancy the structure must be in compliance with the provisions of this ordinance, passing inspection, for water/wastewater services to continue.

5.5 Proceeding of the Planning Commission

5.51 The Planning and Building Commission shall be the elected City of Eupora Board of Aldermen.

5.6 Procedure for Hearings and Appeals

5.61 The Planning Commission shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this ordinance.

5.62 Upon the filing with the Board of Aldermen of an appeal from a decision of the Zoning Administrator, an application for a special exception, or an application for a variance, the Commission shall hold a public hearing within forty-five (45) days.

5.7 Procedure for Special Exceptions

5.71 Special Exceptions shall include any building, accessory structure, or site feature associated with the use that is being altered or built and is not permitted by right in a zoning district. The purpose of the article is to ensure that special exceptions shall only be permitted on sites where the proposed building, accessory structure, or site associated with the use may be adequately accommodated, without generating adverse impacts in the area of the proposed special exception. The determination of the need for a special exception shall be made by the zoning administrator. A special exception shall be permitted only upon a finding by the Board of Aldermen in compliance with the procedures and criteria as outlined in this ordinance.

5.72 Criteria for Special Exception review and approval in all Zoning Districts:

- (1) The proposed location of the structure and use has adequate space for development, adequate access to the site, fits contextually with the surrounding area, and has been properly designed for any environmental constraints.
- (2) There is no undue nuisance or serious hazard to pedestrian or vehicular traffic in the surrounding area by the proposed structure and use.
- (3) The immediate neighborhood impact of the proposed structure shall not create any obnoxious, harmful, or offensive effects from the proposed use by reason of noise, smoke, fumes, odor, dust, heat, fire, or pollution, increased traffic, and unaesthetic appearance.
- (4) The proposed structure and use are adequately served by sewer, water, electricity, fire protection and police protection.
- (5) The proposed location of the structure and use will not cause or contribute to a decline in property values of surrounding properties.
- (6) The proposed special exception is consistent with the goals, objectives, and policies of the Comprehensive Plan.

5.73 Special Exception Review Procedures:

- (1) Application - Submitted to the zoning administrator together with a fee established by resolution of the Mayor and Board of Aldermen. A completed

application shall include the application form, the applicable fee, a legal description of the subject property and a site plan of the proposed structure/use.

(2) Administrative Examination - If the application is deemed complete by the Zoning Administrator the request for Special Exception shall be placed on the agenda for the Board of Aldermen within thirty (30) days from the completed application.

(3) Public Hearing - Upon receipt of a completed application a public hearing shall be scheduled at a Board of Aldermen meeting within thirty (30) days of receipt of the completed application. The Board of Aldermen shall recommend approval with or without conditions or recommend denial of the request. The Mayor and Board of Aldermen may attach conditions in accordance with the approval. Said conditions shall run with the land and shall be binding upon the applicant(s), their heirs, and/or successors.

(4) Notice and Public Hearing Procedure - Notices shall be mailed to all owners of real property within one hundred and sixty (160') feet of the proposed special exception location at least fifteen (15) days prior to the public hearing. Notices will be sent via USPS to property owners as listed on the current tax records of Webster County. The failure of any owner required by this section to be notified by mail sent to the address on the current tax records of Webster County, Mississippi shall not invalidate or otherwise have any effect on the recommendation or final decision of the application. Per Mississippi Code Title 17-1-17 a legal ad shall be placed in the publication of record and a sign shall be placed on the subject property notifying the public at least fifteen (15) days prior to the public hearing.

(5) All costs of the notification shall be paid by the applicant together with the application fee established by resolution of the Mayor and Board of Aldermen. The application fee for a special exception that did not receive approval prior to the commencement of construction and/or requires a modification of an approved site plan or building plan shall be charged and application fee three (3) times the established rate.

(6) At any public hearing upon any matter subject to the provisions of this article, the applicant seeking the special exception or any other party desiring to be heard upon the application may appear in person, by agent, or by attorney. The applicant shall be entitled to make a presentation and at the conclusion of presentations or statements by all other parties, shall be entitled to offer a statement in rebuttal if desired.

(7) Parties aggrieved by the final decision of the Mayor and Board of Aldermen may appeal to a court of competent jurisdiction pursuant to state statute.

5.8 Procedure for Variances

5.81 The Planning Commission may authorize upon appeal in specific cases such variances from the provisions of this ordinance that will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship depriving the owner of the reasonable use of land or buildings involved. The variance shall not have the effect of allowing in any district uses prohibited in that district. No variance from any provision of this ordinance shall be granted unless it is found that all the following facts and conditions exist:

- (1) Special circumstances exist which are peculiar to the land or structure involved and are not applicable to other lands or structures in the same district.
- (2) Strict application of the provisions of this ordinance would deprive the applicant of rights and use of the land commonly enjoyed by other properties in the same district.
- (3) The special circumstances are not the result of actions of the

applicant.

- (4) Granting of the variance will not confer on the applicant any privilege denied by this ordinance to other lands or structures in the same district.

5.82 In granting a variance, the Planning Commission may attach such conditions as it deems necessary to further the purpose of this ordinance.

5.83 Variance Review Procedures:

- (1) Application - Submitted to the zoning administrator together with a fee established by resolution of the Mayor and Board of Aldermen. A completed application shall include the application form, the applicable fee, a legal description of the subject property, site plan of the proposed structure/use.

- (2) Administrative Examination - If the application is deemed complete by the Zoning Administrator the request for Variance shall be placed on the agenda for the Board of Aldermen within thirty (30) days from the completed application.

- (3) Public Hearing - Upon receipt of a completed application a public hearing shall be scheduled at a Board of Aldermen meeting within thirty (30) days of receipt of the completed application. The Board of Aldermen shall recommend approval with or without conditions or recommend denial of the request. The Mayor and Board of Aldermen may attach in accordance with the approval. Said conditions shall run with the land and shall be binding upon the applicant(s), their heirs, and/or successors.

- (4) Notice and Public Hearing Procedure - Notices shall be mailed to all owners of real property within one hundred and sixty (160) of the proposed special exception location at least fifteen (15) days prior to the public hearing. Notices will be sent via USPS to property owners as listed on the current tax records of Webster County. The failure of any owner required by this section to be notified by mail sent to the address on the current tax records of Webster County, Mississippi shall not invalidate or otherwise have any effect on the

recommendation or final decision of the application. Per Mississippi Code Title 17-1-17 a legal ad shall be placed in the publication of record and a sign shall be placed on the subject property notifying the public at least fifteen (15) days prior to the public hearing.

(5) All costs of the notification shall be paid by the applicant together with the application fee established by resolution of the Mayor and Board of Aldermen. The application fee for a variance that did not receive approval prior to the commencement of construction and/or requires a modification of an approved site plan or building plan shall be charged and application fee three (3) times the established rate.

(6) At any public hearing upon any matter subject to the provisions of this article, the applicant seeking the variance or any other party desiring to be heard upon the application may appear in person, by agent, or by attorney. The applicant shall be entitled to make a presentation and at the conclusion of presentations or statements by all other parties, shall be entitled to offer a statement in rebuttal if desired.

(7) Parties aggrieved by the final decision of the Mayor and Board of Aldermen may appeal to a court of competent jurisdiction pursuant to state statute.

5.9 Expiration of Special Exception and Variance

5.91 Unless otherwise specified at the time it is granted, each special exception or variance shall expire and be of no force or effect after one (1) year from the date thereof, unless within this period the property involved has been put to the purpose for which the special exception or variance was granted.

SECTION 6

AMENDMENTS

6.1 Procedure for Amendment

- 6.11 The Mayor and Board of Aldermen reserve the right and ability to amend, supplement, change or repeal the regulations, restrictions and boundaries set forth in this ordinance.
- 6.12 No amendment to this ordinance shall become effective until after a public hearing in relation thereto, at which hearing interested parties shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Eupora at least fifteen (15) days prior to the hearing.
- 6.13 In the event of protest against a proposed amendment signed by twenty (20) percent or more of the property owners either within the area to be rezoned, or within one hundred sixty (160) feet therefrom, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members off the Board of Aldermen.

SECTION 7
DEFINITIONS

7.1 Definitions – Definitions may be changed or revised by the Board of Aldermen upon recommendation by the Board Attorney, so as to encompass new terms and usages by professionals or higher levels of government. Changes in definitions do NOT constitute amending this ordinance.

7.11 Unless specifically defines below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The word “shall” is mandatory and not discretionary.

ACCESSORY USE OR STRUCTURE – A use or structure subordinate to the principal use of a building or use on the same lot and serving a purpose customarily incidental to the use of the principal building or use.

ALTERATIONS, STRUCTURAL – Any change in the supporting members of a building, such as walls, floors, columns, beams, or girders.

APARTMENT – Two (2) or more rooms designed for, arranged for, intended for, or occupied as a residence by one (1) family.

APARTMENT BUILDING – Any building housing three (3) or more apartment units, provided said units are the principal use of the building.

ROOMING HOUSE – A building or part thereof, other than a hotel or restaurant, where meals and/or lodging are provided, for three (3) or more persons, for compensation, and where no cooking or dining facilities are provided in individual rooms.

BUILDING – Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

BUILDING, HEIGHT OF – The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the ridge for gable, hip, or gambrel roofs.

BUILDING PERMIT – A permit issued by the Zoning Administrator for the construction, alteration, or demolition of any building or structure.

CORNER LOT – A lot abutting two or more streets at their intersection. On corner lots any side adjacent to a street shall be considered a front yard.

COVERAGE – The percentage of the lot area which is covered by any building or part thereof.

DWELLING – Any building or portion thereof designed or used as the residence of one (1) or more persons, but not including a tent, cabin,

trailer or trailer coach, mobile home, or a room in a hotel or motel.

DWELLING, MULTI-FAMILY – A building or portion thereof designed for or used by three (3) or more families or housekeeping units.

DWELLING, SINGLE-FAMILY – A building designed for or used for residence purposes by one (1) family or housekeeping unit.

DWELLING, TWO (2) FAMILY – A building designed for or used for two (2) families or housekeeping units.

DWELLING UNIT – One (1) room or suite of two (2) or more rooms designed for use by one (1) family for living and sleeping and having only one (1) kitchen or kitchenette.

FAMILY – A person living alone, or two (2) or more persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, dormitory, motel, or hotel.

FILL – The placing of any material such as earth, sand, concrete, or rubble upon the surface of the ground which results in increasing the surface elevation.

FLOOD – A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

FLOOD , REGULATORY – A Flood of one- hundred (100) year frequency.

FLOOD PLAIN AREA – Land area which would be inundated by a flood occurring on the average of once in one hundred (100) years.

GARAGE – A building or portion thereof, used for equipping, servicing,

repairing, hiring, selling, or storing vehicles or similar equipment.

HOME OCCUPATION - An occupation conducted in a dwelling unit, provided that: No person other than members of the family residing on the premises shall be engaged in the occupation, the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants ; not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation ; there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation ; no home occupation shall be conducted in any accessory building ; no traffic shall be generated by such home occupation in volumes greater than would normally be expected in a residential neighborhood; any need for parking generated by the conduct of such home occupation shall be net off the street and other than in a required front yard; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot to the normal senses. In the case of electrical inference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. The conducting of a clinic, barber shop, beauty parlor, tourist home, veterinary clinic, or any other similar use shall not be deemed a home occupation.

LOT – A piece, parcel, or tract of land occupied or intended to be occupied by a principal building, or a group of such buildings and accessory buildings used for a principal use and uses accessory thereto, together with such open spaces as required by this ordinance, and having frontage on a public street.

LOT AREA – The computed area contained within the lot lines.

LOT, CORNER - A lot at the juncture of and fronting on two (2) or more intersecting streets. Any yard adjacent to a city street shall be considered a front yard.

LOT DEPTH – The mean horizontal distance between the front and rear lot lines.

LOT LINE, FRONT – The property line separating the lot from a street right-of-way.

LOT LINE, REAR – The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE – Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side-street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot.

LOT WIDTH – The width of the lot measured at the building setback line.

MOBILE HOME – A movable or portable dwelling unit, with or without wheels, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy. Such unit may include one (1) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or be composed of two (2) or

more units' separately towable but designed to be joined into one (1) integral unit, or be a portable dwelling composed of a single unit.

MOBILE HOME PARK – A mobile home development and related utilities and facilities, including the mobile homes.

MOBILE HOME LOT – A parcel of land for the placement of a mobile home and The exclusive use of its occupants.

PARKING SPACE – The area required for one (1) automobile, which in this ordinance is held to be an area of not less than two hundred (200) square feet, either within a structure or in the open, exclusive of driveways or access drives.

SERVICE STATION – Any building used for the supply of gasoline, oil, or other fuel for motor vehicle propulsion, which can include space and facilities for washing, polishing, greasing, and servicing motor vehicles.

SETBACK LINE – The closest point at which a building may be constructed in relation to the lot line.

STORY - The portion of a building included between the surfaces of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between the floor and the ceiling next above it.

STRUCTURE – Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

YARD – An open space at grade between the edges of a building and the adjoining lot line, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

YARD, FRONT – An open space extending the full width of the lot between the edge of a building and the front lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein. On corner lots any side adjacent to a street shall be considered a front yard.

YARD, REAR – An open space extending the full width of the lot between the edge of a building and the rear lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, SIDE – An open space extending from the front yard to the rear yard between the edge of a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein. Any yard on a corner lot running parallel to a city street shall be considered a front Yard.

ZONING ADMINISTRATOR – The person authorized to issue building permits and to enforce the zoning ordinance of the City of Eupora, Mississippi, as designated by the Mayor and Board of Aldermen.

PART B

SUBDIVISION REGULATIONS

SECTION 1

STATUTORY AUTHORIZATION, JURISDICTION, PURPOSE, AND TITLE

1.1 Statutory Authorization

1.11 Pursuant to the authority set forth by Sections 17-1-23 and 17-1-25 of the Mississippi Code of 1972, the City of Eupora, Mississippi, does hereby adopt and enact into law these subdivision regulations.

1.2 Jurisdiction

1.21 These regulation shall apply to all lands located within the corporate limits of Eupora, Mississippi.

1.3 Purpose

1.31 It is purpose of these regulations to promote the public health, safety, and general welfare by provisions designed to:

- (1) Assure the orderly development of new areas in a manner compatible with the community development plan.
- (2) Facilitate the adequate provision of streets, water, sewerage, And other public requirements.
- (3) Prevent the development of urban blight and decay
- (4) Provide that the cost of improvements which primarily benefit the land being subdivided be borne by the owners or developers of the land, and that the cost of improvements which primarily benefit the whole community be borne by the whole community.
- (5) Protect individuals from unknowingly buying lands which are unsuited for the intended purposes because of flood hazards.
- (6) Require that each subdivision lot in a floodplain area be provided with a safe building site with adequate access.

1.4 Title

1.41 These regulations shall be known and may be cited as “Subdivision Regulations : Eupora, Mississippi”.

SECTION 2.0

DEFINITIONS

2.1 Definitions

2.11 Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations their most reasonable application.

ALLEY – A strip of land, publicly or privately owned, set aside primarily for vehicle service access to the back or side of properties otherwise abutting on a public street.

CUL-DE-SAC – A street which has one end open to vehicular traffic and is terminated by a vehicular turnaround.

DEAD-END STREET – A street which has only one outlet, and is distinguished from a cul-de-sac by not being terminated by vehicular turnaround.

EASEMENT – A grant by the property owner of the use of a strip of land by the public for specified purposes.

FILL – The placing of any material such as earth, sand, concrete, or rubble upon the surface of the ground which results in increasing the surface elevation.

FLOOD – A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

FLOODPLAIN AREA – Land area which would be inundated by a flood occurring on the average of once in one hundred (100) years.

LOT – A parcel of land abutting on a public street together with such yards or open space within the lot lines as may be required by the ordinance.

LOT AREA – The total area, including easements, within the lot lines.

LOT, CORNER – A lot fronting on two or more streets, at their intersection.

LOT DEPTH – The average horizontal distance between the front and rear lot lines, measured along the side lines of the lot.

LOT, DOUBLE FRONTAGE – A lot having frontage on two opposite sides on two or more streets.

LOT, REVERSE FRONTAGE – A lot having frontage on two or more streets with access restricted to one street.

LOT WIDTH – The width of a lot at the front building setback line, measured parallel to the front lot line.

PLAT – A map, plan, or layout indicating, among other information,

the locations and boundaries of individual properties.

SETBACK LINE – the line indicated by the minimum permitted horizontal distance between the front line and buildings.

STREET – A public right-of-way affording the primary means of access to abutting properties. The term shall also mean avenue.

STREET, COLLECTOR – A street designed to collect traffic from minor street and to serve as a connecting street between residential areas and highways.

STREET, MINOR – A street designed primarily to provide access to abutting residential properties and to accommodate traffic within a neighborhood.

STREET WIDTH – The perpendicular distance between the lines delineating the street right-of-way.

SUBDIVIDER - Any person, firm, partnership, corporation, or other entity who divided or proposes to divide any land deemed to be a subdivision as defined herein.

SUBDIVISION – A division of any lot, tract, or parcel of land into two (2) or more lots or sites for the purpose, whether immediate or future, of sale or building development, and includes the resubdivision or replatting of lands, lots, or tracts. This definition does not include the division of land into parcels of three (3) acres or more unless such division includes the planning or development of a new public street.

CITY ENGINEER – A Registered Professional Engineer employed by the Mayor and Board of Aldermen full-time, or for particular services, to

assist in the enforcement of the subdivision regulations.

SECTION 3.0

PROCEDURE FOR PLAT APPROVAL

3.1 GENERAL

3.11 It shall be unlawful for any subdivider to lay out for the purpose of selling, or offering for sale, a tract or parcel of land within the Town of Eupora into two or more building sites without having the tract or parcel of land surveyed and platted as hereinafter set forth, and a plat thereof submitted of its approval. The procedure for review and approval of a subdivision plat consists of the three (3) following steps:

- (1) Preapplication conference – to be completed prior to making application for conditional approval of the preliminary plat.
- (2) Review and conditional approval of preliminary plat – to be completed prior to making any street improvement, installing any utilities, or selling any lots.
- (3) Review and approval of final plat – to be completed prior to selling any lots.

3.12 Subdivisions which do not involve the platting, construction, or opening of new streets; improvements to existing streets; or the installation of water or sewerage facilities shall be accepted by the Planning Commission in the form of a final plat.

3.2 Preapplication Conference

3.21 Prior to the preparation and submission of a preliminary plat, the subdivider shall meet and consult informally with the Building Official and/or Planning Commission. The purpose of this conference is to offer the subdivider the advice and assistance of the Planning Commission, and to enable him to become familiar with the appropriate regulations in order to prevent unnecessary and costly revisions in the platting and development of the subdivision.

3.3 Procedure for Approval of Preliminary Plat

3.31 The subdivider shall submit four (4) copies of the preliminary plat and supplemental information to the City Clerk at least fifteen (15) days prior to the meeting of the Planning Commission at which the plat is to be considered for approval.

3.32 Submission of the preliminary plat shall be accompanied by a filing fee of ten (10) dollars, payable to the City of Eupora, for each lot in the proposed subdivision to help cover administrative costs. No part of the filing fee shall be returned.

3.33 The Planning Commission shall check the preliminary plat for conformance to the provisions of these regulations and, if necessary, shall confer with the subdivider on changes deemed advisable. During review of the

preliminary plat the Planning Commission may consult with the City engineer , and may obtain technical assistance and advice from other qualified agencies.

3.34 Following a review of the preliminary plat, the Planning Commission shall notify the subdivider within sixty (60) days of its approval, disapproval, or conditional approval of the plat. If the plat is disapproved, reasons for such disapproval will be stated. If conditionally approved, the nature of the required modifications will be indicated. The preliminary plat shall then be submitted to the Mayor and Board of Aldermen for their approval as indicated by the signature of the Mayor.

3.35 Failure of the Planning Commission to act on any preliminary plat within sixty (60) days after submission of the plat shall constitute approval of the preliminary plat by the Planning commission and shall authorize the submission shall authorize the submission of the plat directly to the Mayor and Board of Aldermen by the subdivider.

3.36 Approval of the preliminary plat shall expire unless a final plat based thereon is submitted within one (1) year from the date pf such approval, unless an extension of time is granted by the Planning commission.

3.4 Procedure for Approval of Final Plat

3.41 Within one (1) year after approval of the preliminary plat, the subdivider shall submit four (4) copies of the final plat and other required plans to the Planning Commission for approval.

3.42 The final plat shall not be approved by the Planning Commission or

the Mayor and Board of Aldermen until the subdivider has done one (1) of the following:

- (1) Actually complete construction of all improvements as required in Section 5 and submitted “as built” drawings; or
- (2) Given to the City a performance bond or certified check in an amount equal to the total estimated cost of installation of the required improvements.

3.43 The Planning Commission shall check the final plat for conformance with the Approved preliminary plat and for compliance with the provisions of these regulations. The City Engineer shall check the final plat to insure that it conforms to the standards specified in Section 5 and 6 and that all conditions set forth on the preliminary plat have been satisfied.

3.44 The Planning Commission shall approve or disapprove the final plat within thirty (30) days after its submission. Thereafter, the Planning Commission shall recommend to the Mayor and Board of Aldermen approval or disapproval of the final plat. Upon approval of the final plat by the Mayor and Board of Aldermen, one (1) copy shall be signed and the appropriate certificates attached by the Mayor and Board of Aldermen and returned to the subdivider. This copy becomes the document to be recorded in the office of the Chancery Clerk of Webster County. If a final plat is disapproved, the grounds for such disapproval shall be noted in the minutes of the meeting.

SECTION 4.0

PLAT AND DATA REQUIREMENTS

4.1 Preliminary Plat and Data

4.11 The preliminary plat shall be drawn at a scale of one (1) inch equals

Fifty (50) feet and shall contain the following general information.

- (1) Proposed name of subdivision.
- (2) Name and address of subdivider.
- (3) Graphic scale, north arrow, and date of preparation.
- (4) Boundaries of the tract to be subdivided with all bearings and distances indicated.
- (5) Acreage to be subdivided.

4.12 The preliminary plat shall contain the following existing conditions.

- (1) Topography contours, based on mean sea level, at vertical intervals of not more than (2) feet.
- (2) Names of adjoining property owners or subdivisions.
- (3) Location of streams, lakes, swamps, and land subject to flood frequency.
- (4) Location, width, and purposes of easements.
- (5) Location and right-of-way of streets, roads, railroads, and
- (6) Location of existing adjoining property lines.
- (7) Location, size, and invert elevation of sanitary sewers, storm sewers, water mains, drains, culverts, or other

underground facilities within the tract. Location of these facilities in adjoining tracts or subdivisions if proposed for extension or connection. Indication of direction and distance to nearest facilities if they are not located on or adjacent to the tract to be subdivided.

4.13 The preliminary plat shall contain the following proposed

Conditions:

- (1) Layout of streets, roads, and alleys, with widths, road names, grades, and cross sections.
- (2) Layout of sanitary sewers with grade, pipe size, location of manholes, and points of discharge.
- (3) Layout of storm sewer system (including open drainage) with grade, pipe size, and location of outlet.
- (4) Layout of water supply system with pipe size and location of hydrants.
- (5) Designation of all land to be reserved or dedicated for public use.
- (6) Layout of all lots, including building setback lines, with scaled dimension of lots.
- (7) Utility easements with widths and purpose.
- (8) Designation of lots or sites to be used for other than single-family residential (if any).

4.2 Final Plat and Data

4.21 The final plat shall conform substantially to the preliminary plat as approved and shall be drawn at a scale of one (1) inch equals fifty (50) feet. The final plat shall contain the following information:

- (1) Name of subdivision and owner of record.
- (2) Graphic scale, north arrow, and date of preparation.
- (3) Sufficient data to readily determine and accurately reproduce on the ground the location, bearing, and length of every street line, lot line, easement line, boundary line, and building setback line whether straight or curved. This shall include the radius, point of tangent, and other data for curved property lines and curved streets, to an appropriate accuracy and in conformance with good surveying practice.
- (4) Accurate location and description of all monuments and markers.
- (5) Topography contour changes in areas where substantial cut and fill operations have been done.
- (6) Designation of all land to be reserved or dedicated for public use.
- (7) Identification of flood plain areas and flood elevations based on the 100 year frequency flood.
- (8) Lot and Block numbers.
- (9) All dimensions measured to the nearest one-tenth (1/10) of a foot and angles to the nearest minute.
- (10) Any deed restrictions or protective covenants in form for recording.

4.22 The following certificates shall appear on the final plat:

- (1) Engineer's or Surveyor's Certificate:

STATE OF MISSISSIPPI

COUNTY OF WEBSTER

I, the undersigned engineer (or surveyor), do hereby certify that at
 The request of _____, the owner, I have subdivided and platted the
 Following described land being situated in Section _____, Township _____,
 Range _____, Webster County, Mississippi, as follows, to wit:
 (Insert herein legal description of subdivision boundary.)

Witness my signature on this the _____ day of _____, 19__.

Engineer or Land Surveyor

Mississippi Registration Number

(2) Owner's Certificate:

STATE OF MISSISSIPPI

COUNTY OF WEBSTER

I, (We), the understand owner(s), do hereby certify that I (we) am the
Owner(s) of the land described in the foregoing certificate of _____,
Engineer or surveyor, and that I (we) have caused the same to be subdivided
As shown hereon, and have designated the same as _____.

Name of Subdivision

Witness my (our) signature(s) on this the ____ day of _____, 19__.

Owner(s)

(3) Approval of City of Eupora, Mississippi:

I hereby certify that this plat was approved by the Mayor and Board of
Aldermen in session on the day ____ day of _____, 19, __.

Mayor

City Clerk

4.23 Before the Mayor and Board of Aldermen can accept the final plat, the subdivider shall give to the City an abstract of clear title for that portion of the subdivision that is to be dedicated to the City.

SECTION 5.0

REQUIRED IMPROVEMENTS

5.1 General Policy

5.11 It is the policy of the Mayor and Board of Aldermen of the City of Eupora to require the subdivider to pay all costs of the development and installation within the subdivision of streets, monuments, sanitary sewers, storm drainage facilities, water mains, and other improvements as set forth in these regulations.

5.12 No final plat shall be approved until the improvements required by these regulations are constructed in a satisfactory manner. In lieu of such construction, final approval may be granted prior to completion provided the subdivider posts a performance bond or certified check in an amount that will guarantee the completion of all improvements in accordance with the approved construction

plans and specifications.

5.13 Upon completion of the required improvements, the subdivider shall post a maintenance bond in the amount determined by the Mayor and Board of Aldermen, guaranteeing to the City of Eupora the reasonable costs resulting from defective workmanship or materials. This maintenance bond shall be in effect for one (1) year after acceptance of these improvements by the Mayor and Board of Aldermen.

5.2 Monuments and Markers

5.21 Monuments shall be placed at all corners or changes in alignment along the boundary of the subdivision. Each monument shall consist of a four (4) inch by four (4) inch concrete post at least thirty (30) inches long and reinforced with a single one-half (1/2) inch steel rod in the center that extends at least one-fourth (1/4) inch above the top of the concrete.

5.22 Markers shall be placed at all corners or changes in alignment in lot boundaries. These markers shall consist of a reinforcing rod or iron pipe not less than one-half (1/2) inch in diameter and not less than twenty-four (24) inches in length.

5.23 All monuments or markers shall be set with the top flush with finished grade. Where necessary to prevent disturbance, the monument shall be sunk underground and referenced to permanent landmarks.

5.3 Streets

- 5.31 Street rights-of-way shall be graded for their full width to provide suitable finish grades for pavements and shoulders and to provide adequate surface drainage and convenience access to the lots.
- 5.32 The minimum pavement design thickness for minor residential streets, dead-end streets, and alleys shall be six (6) inch granular base course or its equivalent conforming to the appropriate subsections of Section S-304 of the latest edition of Mississippi Standard Specifications for State Aid Road and Bridge Construction, as indicated by the City Engineer. The remaining roadway types shall have a eight (8) inch granular base or its equivalent conforming to the same abovementioned section and specification. The material shall conform to the appropriate subsection of the abovementioned specification as indicated by the City Engineer.
- 5.33 The minimum wearing surface shall be a double bituminous surface treatment and conform to the appropriate subsections of Section S-406 of the Mississippi Standard Specification for State Aid Road and Bridge Construction, as indicated by the City Engineer.

5.34 The typical cross section for streets shall conform to the following

Standards: Without curbs and gutters

<u>Type of Street</u>	Pavement Width in Feet	
	(Edge of Pavement to <u>Edge of Pavement</u>)	Shoulder Width in Feet <u>(Each Side)</u>
Collector	32	6
Minor residential	26	4
Alley	16	None

(1) With curbs and gutters

<u>Type of Street</u>	Pavement Width in Feet <u>(Back of Curb to Back of Curb)</u>
Collector	36
Minor residential	28
Alley	18

5.4 Sanitary Sewers

- 5.41 Sanitary sewer facilities shall be provided in all subdivisions and shall conform to all applicable State laws and to the local sewerage plan.
- 5.42 All sanitary sewer pipe shall be approved by the city building inspector Or the city engineer.
- 5.43 All sanitary sewer pipe whether pressurized or non-pressurized shall Conform to the adopted International Building Codes and shall be Approved by either the City Building Inspector or City Engineer.
- 5.44 Sewer pipe installed with trench depth up to ten (10) feet shall be of standard strength. With trench depth of ten (10) feet or greater, extra strength pipe shall be used.
- 5.45 Manholes shall be no further than four hundred (400) feet apart And shall be positioned at each change in alignment or grade and shall be provided with traffic-grade cast iron lids and frames.
- 5.46 Any sewer lines exposed through ditches shall be Class 50 cast iron for mains, or cast iron soil pipe for services.
- 5.47 Infiltration or exfiltration shall not exceed thirty thousand (30,000) Gallons per mile of pipe per day for any section of the system.
- 5.48 Sanitary sewer lines shall not be less than ten (10) feet from An existing parallel water line.

5.5 Storm Drainage

- 5.51 Storm drainage facilities shall be designed to convey the flow

of surface waters without damage to persons or property. The system shall insure drainage at all points along streets and provide positive drainage away from building sites. All drainage plans shall be consistent with local drainage systems and shall be designed to prevent excessive runoff onto adjacent properties.

- 5.52 Materials and construction shall conform to the appropriate sections and subsections of the latest edition of the Mississippi Standard Specifications for State Aid Road and Bridge Construction.
- 5.53 Reinforced concrete headwalls or precast concrete flared end sections shall be provided on all pipe. The minimum diameter for storm drainage pipe shall be fifteen (15) inches. Cross-drain culverts shall extend at least four (4) feet beyond the edge of the pavement. All driveway culverts shall have a minimum pipe length of twenty-four (24) feet.
- 5.54 Curbs and gutters shall be installed in areas where the City Engineer determined that the topography is such that curbs and gutters are necessary.

5.6 Water Systems

- 5.61 The water supply system shall have enough outlets and shall be large enough to furnish an adequate domestic water supply and fire protection to all lots, and to conform with the City of Eupora water plan.
- 5.62 Where possible, water mains shall be located in the street right-of-way at least two (2) feet behind the existing or proposed curb line

or pavement edge.

- 5.63 All water lines shall be constructed with AWWA approved pipe and rubber push-on joints, and shall have a minimum diameter of six (6) inches. All cast iron pipe shall be cement lined. All water mains shall be constructed with a minimum cover depth of thirty (30) inches.
- 5.64 All fire hydrants shall be an AWWA approved type, placed on mains of not less than six (6) inches in diameter. A six (6) inch gate valve shall be installed between the water main and each hydrant. Fire hydrant spacing shall be three-hundred (300) feet. All dead-end mains shall be equipped with a fire hydrant.
- 5.65 A copper corporation stop shall be provided at the main with three-fourths (3/4) inch Type K copper tubing run from the main to the property line for each lot.
- 5.66 Hydrostatic test(s) shall be performed on the new water system with a pressure of one hundred fifty (150) pounds per square inch for twenty-four (24) hours. Before any part or all of the work is placed in service, the system shall be thoroughly flushed and sterilized with chlorine. The complete parts shall be Resterilized until two (2) consecutive chlorine-free samples are found by the Mississippi State Board of health to be free from The Coli-Aerogenes group of bacteria. Samples for the test shall be taken from remote parts of the system.

5.7 Erosion and Sediment Control

5.71 Installation of all required improvements shall be done so as to provide for the most effective control of erosion and sediment. Combinations of the following practices shall be used:

- (1) The smallest practical area of land shall be exposed at any one Time during development.
- (2) Exposure of land shall be kept to the shortest practical time period.
- (3) Temporary vegetation or mulching shall be used to protect critical Area during development.
- (4) Sediment basins shall be installed and maintained to remove Sediment from runoff waters where necessary.
- (5) Permanent vegetation shall be installed as soon as practical in The development.
- (6) The development plan shall be fitted to the topography and soils So as to minimize erosion.
- (7) Natural vegetation shall be retained whenever feasible.

5.8 Installation of Underground Utilities

5.82 After street grading is completed and approved, and before any base is applied, all underground work and all service connections shall be completely installed and approved throughout the length of the street. Where the utility mains are not located under the pavement, the installation of service connections may be delayed, provided that they can be extended across the street without breaking or weakening the existing pavement.

5.9 As- Built Plans

5.91 Upon completion of construction of utilities or improvements, one

(1) set of reproducible tracings of complete final plans, dated, signed, and certified by the engineer in charge, shall be filed with the City Clerk of Eupora, showing all features as actually installed, including materials, size, location, depth of elevation, numbers, end of lines, connections, eyes, valves, storm sewer drains, inlets, and all other pertinent information. There shall be no connections made to such utilities serving the subdivision until the foregoing has been complied with.

SECTION 6
DESIGN STANDARDS

6.1 Streets

6.11 The arrangement, width, and locations of all proposed streets shall conform to the community development plan. Proposed streets shall provide for the extension or projection of existing or planned streets where necessary, and shall be related to public convenience and safety. The following street right-of-way standards shall apply:

<u>Type of Street</u>	<u>Right-of-Way</u>
Collector	60 feet
Local or Minor	50 feet
Alley	25 feet

6.12 Streets shall be arranged so as to intersect as nearly possible at right angles. The minimum angle of intersection shall be seventy-five (75) degrees.

6.13 Proposed streets which are obviously in alignment with existing streets shall bear then names of the existing streets. Proposed street names shall not duplicate existing street names, regardless of the addition of a suffix to the name such as street, avenue, boulevard, drive, way, place, or lane.

6.14 When a proposed subdivision abuts a highway or major street, the Mayor and Board of Aldermen may require lots adjacent to the highway or major street to be provided with frontage on a minor interior street.

6.15 Minor streets shall be laid out so as to discourage through traffic.

6.16 There shall be no private street platted in a proposed subdivision. Every lot shall front upon a publicly dedicated street.

6.17 Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.

6.18 A cul-de-sac shall not extend beyond six hundred (600) feet in length and shall be provided with a turnaround having a roadway diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred (100) feet.

6.19 Alleys shall be provided at the rear of all lots used for commercial purposes but shall not be provided in residential areas.

6.2 Blocks

6.21 Blocks shall be no more than sixteen hundred (1,600) nor less than four hundred (400) feet long. If a block is more than one thousand (1,000) feet long, a pedestrian crosswalk may be required at midblock.

6.22 Blocks shall be wide enough to allow two (2) rows of lots of minimum depth except where blocks one lot in depth are required to separate residential development from through traffic or non-residential uses.

6.3 Lots

6.31 Each residential lot shall abut upon a publicly dedicated street and shall conform to the lot width, depth, and area requirements of the Eupora zoning ordinance.

6.32 A building setback line meeting the front yard and side yard setback requirements of the zoning ordinance shall be established on all lots.

6.4 Easements

6.41 Utility easements of at least fifteen (15) feet may be required for poles, wires, conduits, sewers, gas and water mains, or other utilities along rear lot lines. Easements of at least ten (10) feet may be required along side lot lines for the extension of existing or planned utilities.

6.5 Floodplain Areas

6.51 Land subject to flooding with a frequency of one hundred (100) year flood shall not be subdivided unless precautionary measures are taken to eliminate or minimize floods hazards. All building grades shall be raised to an elevation equal to or above the maximum flood elevation

of a one hundred (100) year flood calculated for the area in which the proposed subdivision is situated. This is provided, however, that no fill shall be made, or any subdivision constructed, which will increase flood hazards to other lands, or in any manner impede or restrict the flow of water in a flood situation. All areas which will remain subject to flooding after the subdivision is constructed shall be delineated on the final plat.

SECTION 7.0

LEGAL STATUS PROVISIONS

7.1 Interpretation

7.11 In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the protection of the public health, safety, economy, and general welfare.

7.2 Separability

7.21 If any section, clause, provision, or portion of these regulations shall be held to be invalid or unconstitutional, the remainder of these regulations shall not thereby be invalidated but shall remain in full force and effect.

7.3 Repeal of Conflicting Ordinances

7.31 Any ordinance or parts thereof of the City of Eupora in conflict or inconsistent with the provisions of this ordinance, is hereby repealed to the extent necessary to give this ordinance full force and effect.

7.4 Variances

7.41 Where the Planning Commission determines that, because of the unique topographic or other conditions of the land involved, undue hardship may result from strict compliance with these regulations, it may vary the regulations, provided that the purpose and intent of these regulations are preserved and there is no increase in the flood hazard potential.

7.5 Penalties for Violation

7.51 Violation of the provisions of these regulations or failure to comply with any of its requirements shall constitute a misdemeanor. Any person or subdivider who violates the terms or provisions of these regulations or uses an unapproved and unrecorded plat in the sale of subdivided land shall upon conviction thereof be fined not more than one hundred (100) dollars. Each day such violation continues shall be considered a separate offense.

7.6 Amendments

7.61 The Mayor and Board of Aldermen may from time to time adopt amendments that will tend to increase the effectiveness of these regulations. These regulations may be revised or amended after giving adequate public notice as revised or amended after giving adequate public notice as required by law and conducting a public hearing.

7.7 Effective Date

7.71 This ordinance shall become effective on the ____ day of _____, 20__.

Mayor

City Clerk