

ZONING ORDINANCE UPDATES



MAY 8, 2024

NOTE:

The regulations contained herein are **draft zoning ordinance** update or revision provisions.

The current effective Zoning Ordinance of the City of Olive Branch can be accessed by clicking this link: [Zoning Ordinance of the City of Olive Branch](#)

INTRODUCTION

Beginning in March 2023, the Planning Commission has held various working sessions during its monthly meetings to draft these updates to various sections of the Zoning Ordinance of the City of Olive Branch. While a publication of the draft regulations for public comments is not required by law, the Planning Commission and the Mayor and Board of Aldermen have deemed it important that this draft be published on the City website for public input from May 8, 2024, to June 8, 2024, before the regulations may be considered by the Planning Commission and recommended to the Mayor and Board of Aldermen. This one-month public input period shall be in addition to public hearings that shall be conducted by the Planning Commission and the Board of Aldermen before the regulations may be adopted.

1) What is the purpose of this Zoning Ordinance update?

The current updates are intended to:

- a) Address various concerns that staff has received over the years from city residents, developers, etc. regarding neighborhood character, land use compatibilities, City's response to zoning inquiries, etc.
- b) Align the City's zoning ordinance with various applicable goals, objectives, and policies of the Olive Branch Comprehensive Plan 2040.
- c) Provide a foundation and anchor for the eventual creation of a Unified Land Development Code for the City of Olive Branch as stipulated in the Comprehensive Plan 2040 of the City.
- d) Improve the understanding and simplify the implementation of the Zoning Ordinance.
- e) Streamline and make the provision of zoning services in the City more timely, effective, and efficient.

2) What problems are the zoning code updates focused on addressing?

There are four main problems that the current zoning ordinance poses, which the proposed updates are directed at addressing:

- a) Over the years, multiple areas have been annexed into the City with zoning designations that do not exist in the City's zoning ordinance. This has compounded and significantly increased City staff's response time to public requests and inquiries regarding the provision of zoning services to these areas. The proposed updates seek to create corresponding zoning districts in the City's Zoning Ordinance text to accommodate and provide appropriate zoning services to these areas.
- b) The current zoning ordinance applies the same zoning regulations to some areas of the City in a way that does not recognize the existing land use character

differences in those areas and unnecessarily engenders non-conformities. The proposed updates create some new zoning districts and establish development standards that would recognize the unique existing character of areas and encourage their distinctiveness, eliminate the unnecessary non-conformities to the full extent possible, and accommodate various home occupations in suitable areas of the City while maintaining the serenity and enhancing the quality of life in neighborhoods.

- c) The current zoning ordinance enables the creation of too many unnecessary planned developments (PDs) in a mid-size City as Olive Branch. This significantly increases the cost of administering the PDs to the public and convolutes zoning processes. The proposed updates simplify the zoning process regarding PDs, specifies PD qualification criteria, and would apply fitting conventional zoning designations to completed areas of planned developments to reduce the City's response time regarding zoning issues for PDs, and eliminate the unnecessary inefficiencies, ineffectiveness, and costs of administering completed PDs/PD areas.
- d) With uses spread across too many sections of the current zoning text, it is difficult for the public to determine whether a specific use is permitted by right, as a conditional use, or prohibited in a specific district. The proposed updates include the creation of a single Table of Uses that would make "way finding" regarding uses easier for the public and would add definitions to limit and possibly avoid confusion in the use of the Zoning Ordinance.

3) How will these updates be adopted?

After the public input period ends on June 8, 2024, planning staff will prepare a report that will incorporate any public comments received and submit to the Planning Commission at their meeting on June 11, 2024. The Planning Commission will hold a public hearing make its recommendation to the Board of Aldermen. The Board of Aldermen will schedule a public hearing on a date it shall so decide, provide public notice as required by law, and hold the public hearing to consider and decide on the proposed updates.

4) How will these zoning ordinance updates affect my property?

The proposed updates are limited to the zoning text. No specific property is singled out for a zoning action. Consequently, the adoption of these textual updates will have no impact on any property. If the City intends to rezone a specific property in future based on this proposed text, the standard rezoning process shall be followed, which will include the notification of the property owner and public hearings before the Planning Commission and the Board of Aldermen.

5) How can I avoid misinformation regarding these zoning updates? Who can I contact for authentic information or speak with regarding these proposed zoning updates?

The City has one point of contact for any questions and/or public inputs regarding the proposed zoning updates. Please, contact the Assistant Director of Planning and Development, Venard Asongayi, AICP, CFM. He can be reached by email at venard.asongayi@obms.us or by phone at (662) 804-9420. You can also set up an appointment with him for in-person discussions.

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ARTICLE II
DEFINITIONS

A. WORD USAGE: For the purposes of this Ordinance, certain terms and words are hereby defined:

1. Words used in the present tense shall include the future tense
2. Words in the singular number include the plural number and words in the plural number include the singular number.
3. The word "building" shall include the words "structure" and "premises."
4. The word "shall" is mandatory.
5. The word "may" is permissive.
6. The word "person" includes a firm, organization, association, partnership, trust, company, or corporation, as well as an individual.
7. The word "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
8. The word "lot" includes the words "plot," "tract," or "parcel."

B. DEFINITIONS

1. ACCESSORY BUILDING – A subordinate building which is incidental to and customary in connection with the principal building or use and located on the same lot.
2. ACCESSORY USE – A subordinate use which is incidental to and customary in connection with the principal building or use and located on the same lot.
3. AIRPORT – Any area of land or water which is designed for the landing and takeoff of aircraft, or for other aviation-related purposes, whether or not facilities are provided for the shelter, servicing or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established.
4. ALCOHOLIC BEVERAGE SALES STORE – A store which primary use is the sale for off-premises consumption of any alcoholic liquid, including wines of more than five percent of alcohol by weight, including native wines, capable of being consumed as a beverage by a human being (*To be added*).

5. AMUSEMENTS, INDOOR – Establishments that provide commercial recreation activities completely within an enclosed structure such as pool halls, arcades (coin or token operated with no monetary or winnings of value), movie theaters, skating rinks, roller rinks, and bowling alleys. This use does not include an arena, which shall here mean a large building or enclosed space for games or major recreational events with tiers of seats. *(To be added)*.
6. AMUSEMENTS, OUTDOOR – Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water rides. This use does not include an arena, which shall here mean a large outdoor space for games or major recreational events with tiers of seats. *(To be added)*.
6. ANIMAL SERVICES – Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming. *(To be added)*
4. APARTMENT HOUSE - Same as Dwelling, multiple.
7. ASSEMBLY/MEETING FACILITIES – Meeting/conference facilities that include room(s) or space(s) used for assembly purposes by 50 or more persons including fraternal halls (VFW lodges, etc.) and banquet facilities. *(To be added)*
5. AUTO PARTS SALES - Establishments selling new, used, or rebuilt automotive parts and accessories. Examples include parts and supply stores, automotive stereo stores, speed shops, truck cap stores, and tires and tube shops. *(To be added)*
6. BANKS, FINANCIAL SERVICES – Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include credit agencies, trust companies, holding companies, lending and thrift institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies. *(To be added)*
6. BANQUET HALL – An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries, and other similar celebrations. Such a use may or may not include: (1) kitchen facilities for the preparation or catering of food;

(2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public – except the hall is in a zoning district that permits on-premises alcoholic beverages sale to the general public; and (3) outdoor gardens or reception facilities. *(To be added)*

6. BASEMENT-A story having one-half or more of its height below grade.
- 6a. BED AND BREAKFAST ESTABLISHMENT – A small scale lodging facility, operated primarily as a business, with no less than four (4) and no more than twenty (20) rooms in an existing structure, in which paying guests are lodged on an overnight basis and here the operator lives on the premises. *(Amended 4/20/04)*
- 6b. BOARDING HOUSE-Same as Rooming House.
7. BUILDING - Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without wheels) nor any movable device, such as furniture, machinery, or equipment.
8. BUILDING, HEIGHT OF – The vertical distance from the grade (as defined herein) to the highest point of the coping of a flat roof, or to the top deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs
9. BUILDING LINE – That line, between which and the street right-of-way line, no building or part thereof, may be erected, except as provided in these regulations.
10. BUILDING OFFICIAL – The individual designated by the Governing Authority to administer and enforce the regulations of this Zoning Ordinance.
11. BULK REGULATIONS - The combination of controls (lot size, floor area ratio, lot coverage, open space, yards, height, and setback) that determine the maximum size and placement of a building on a lot or parcel of land. *(To be added)*
12. BUSINESS SUPPORT SERVICES – Establishments that provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site PC rental, and office product sales. *(To be added)*
12. CAR WASH – The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment. *(To be added)*

12. CELLAR – Same as Basement.
13. CHARACTER – Special physical characteristics of a structure or area that set it apart from its surroundings and contribute to its individuality. *(To be added)*
13. ~~CHURCH – A building used principally for religious worship, but the word “church” shall not include or mean an undertaker’s chapel, funeral building, a religious educational institution or parochial school or day care center. *(To be repealed. See “Religious Institution.”)*~~
14. CLINIC – A facility wherein professional services concerning personal health of humans are administered by medical doctors, dentists, chiropractors, osteopaths, optometrists, or any other such profession which may lawfully be practiced in the State of Mississippi. Persons treated shall not be lodged therein overnight.
15. CLUSTER DEVELOPMENT – A development pattern for residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.
16. COMMISSION - The Planning Commission of Olive Branch, Mississippi.
17. COMMUNITY SERVICE ORGANIZATION – A public or quasi-public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services, the handicapped, and the otherwise disadvantaged such as counseling centers, welfare offices, job counseling and training centers, vocational rehabilitation agencies, and community improvement and neighborhood redevelopment, but does not include any services providing on-site residential or boarding services. *(To be added)*
17. COMPREHENSIVE PLAN - The Olive Branch, Mississippi, Comprehensive Plan, Volumes I, II, III.
18. CONDITIONAL USE – A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as conditional uses, if specific provisions for such conditional use are made in this zoning ordinance.

19. CONDOMINIUM -The ownership of single units in a multi-unit structure with common areas and facilities.
20. COUNTRY STORE -A neighborhood type retail service establishment or general store and filling station.
21. CULTURAL OR COMMUNITY FACILITY – Facilities designed to promote cultural advancement and serve the community such as live theater, dance, or music establishments; art galleries, studios and museums; non-profit civic or fraternal organizations; museums, exhibition, or similar facility; libraries; and community centers, such as the YMCA and YWCA. *(To be added)*.
20. DAY CARE CENTER-A place which provides shelter and personal care on a regular basis for six or more children who are not related within the third degree computed according to civil law to the operator, for four or more hours of any part of a twenty-four hour day, whether such place be organized or operated for profit or not. The term "day care center" includes childcare facility, kindergarten, nurseries or any other facility that falls within the scope of the definitions set forth above, regardless of auspices.
21. DAY CARE CENTER IN RESIDENCE, at most six children – A place that provides supervision or care on a regular basis within a principal residential dwelling unit by a resident of the dwelling, where, at any one time, more than two (2) but no more than six (6) children who are not residents of the dwelling receive childcare. For the purpose of this use, the total number of children count includes those that may be resident in the dwelling unit. *(To be added)*
22. DENSITY-The number of dwelling units per acre of gross land area.
23. DISTRICT – A section or sections of Olive Branch for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.
24. DRIVE THRU SERVICE - A facility where services may be obtained by motorists without leaving their vehicles. These facilities include drive through bank teller windows, dry cleaners, etc. Drive thru service does not include Automated Teller Machines (ATMs), gas stations (convenience store with fuel pumps) or other vehicle services, which are separately defined. *(To be added)*
25. DRY CLEANING ESTABLISHMENT – An establishment or business maintained for the delivery and pickup of clothing or fabrics without the

maintenance or operation of any laundry equipment or machinery on the premises. *(To be added)*

26. DWELLING -Any building or portion thereof designed or used as the residence of one (1) or more persons, but not including a tent, cabin, travel trailer, or a room in a hotel, motel or boarding house.
27. DWELLING, SINGLE FAMILY ATTACHED- A dwelling designed for and occupied by not more than one family having a wall in common with one other dwelling unit but located on a separate lot.
28. DWELLING, SINGLE FAMILY DETACHED- A dwelling designed for and occupied by not more than one family, which does not have any roof, wall or floor in common with any other dwelling unit.
29. DWELLING, TWO FAMILY - A building designed for or occupied exclusively by two families living independently of each other, and being located on a single lot.
30. DWELLING, MOBILE HOME -A substantially complete factory built structure transportable in one or more sections, with or without a permanent chassis and designed to be used as a dwelling when connected to required utilities.
31. DWELLING, MULTIPLE FAMILY - A building designed or occupied by more than two families living independently of each other.
32. DWELLING UNIT - One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental, or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure(s), and containing independent cooking, sleeping and bathroom facilities.
33. EQUIPMENT RENTAL – Establishments renting or leasing heavy equipment without operators used for construction, mining, or forestry, such as bulldozers, earthmoving equipment, etc. or, agricultural equipment without operators. *(To be added)*

34. FAMILY - The term family shall mean any one of the following designations, or any combination thereof, occupying a dwelling unit and living as a single household unit: (a) an individual; or (b) two or more individuals related by blood, marriage, or adoption; or (c) a group of four (4) or fewer persons who are not related by blood, marriage, or adoption. (Amended 1/16/07)
35. FARM - An area of more than ten (10) acres located outside a recorded subdivision which is used for the growing of the usual farm products such as vegetables, fruit, trees, hay, cotton, and grain, and their storage on the area, as well as the raising thereon of the usual farm poultry and farm animals, such as horses, mules, cattle, sheep, and swine, and including dairy farms. The term "farming" includes the operating of such an area for one or more of the above uses with the necessary accessory uses for treating or storing the produce provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals, the feeding of collected garbage or offal to swine or other animals or intensive livestock raising, such as commercial feed lots, large batteries of rabbit hutches, or poultry lots or coops.
36. FARM BUILDING OR STRUCTURE - Any building or structure upon a farm having no dwelling facilities and constituting a necessary accessory building or structure for treating, processing, storing, and assembling of farm produce or products associated with farm production, and/or the storage and maintenance of tools and/or implements involved in normal farming activities conducted on the farm.
37. FILLING STATION OR SERVICE STATION - Any building or premises where the principal use is for the retail sale of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing and replacement of motors or other major parts, bodies, or fenders of motor vehicles, or painting motor vehicles. The term does not include public garages.
38. FLEA MARKET - Market held in an open area or structure where groups of individual sellers offer goods for sale to the public.
39. FLOOR AREA - The total number of square feet of floor space within the exterior walls of a building, not including unheated space in cellars or basements;

however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off- street parking requirements.

40. FLOOD HAZARD BOUNDARY MAP –An official map or plot of an area, issued or approved by the Federal Insurance Administrator, on which the boundaries of the flood-prone areas having special hazards have been drawn.
41. FLOOD, 100-YEAR-The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has one (1) percent chance of occurring each year).
42. FLOODWAY- The channel of a watercourse and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the floodwater of any natural stream or river.
43. GARAGE, PRIVATE- An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing the privately owned motor vehicles, boats, and trailers of the family or families resident upon the premises, and in which no business, service or industry is carried on.
44. GARAGE, PUBLIC – Any building or premises, except those used as private or storage garages, used for equipping, repairing, hiring, selling, or storing motor-driven vehicles. The term repairing shall not include the rebuilding, dismantling, or storage of wrecked or junked vehicles.
45. GARAGE, STORAGE –Any building or premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles, pursuant to previous arrangements for storage and not open to transients, and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired, or sold.
46. GENERAL RETAIL, 2,500 SQ FT. OR LESS – A use category allowing buildings to be available for the commercial sale of merchandise and prepared foods but excluding manufacturing, ranging in total or aggregate size of 2,500 square feet or less. Where a retail use is specifically named in the “Table of Uses,” the use shall be as permitted or conditionally permitted in its specific retail name as opposed to the building size. *(To be added)*.
47. GENERAL RETAIL, 2,501 SQ FT. – 10,000 SQ FT – A use category allowing buildings to be available for the commercial sale of merchandise and prepared

foods but excluding manufacturing, ranging in total or aggregate size between 2,501 square feet and 10,000sq ft. Where a retail use is specifically named in the “Table of Uses,” the use shall be as permitted or conditionally permitted in its specific retail name as opposed to the building size. *(To be added)*

48. GENERAL RETAIL, 10,000 SQ FT. – 50,000 SQ FT – A use category allowing buildings to be available for the commercial sale of merchandise and prepared foods but excluding manufacturing, ranging in total or aggregate size between 10,001 square feet and 50,000sq ft. Where a retail use is specifically named in the “Table of Uses,” the use shall be as permitted or conditionally permitted in its specific retail name as opposed to the building size. *(To be added)*
49. GENERAL RETAIL, GREATER THAN 50,000 SQ FT. – A use category allowing buildings to be available for the commercial sale of merchandise and prepared foods but excluding manufacturing, with total or aggregate size being greater than 50,000 sq. ft. Where a retail use is specifically named in the “Table of Uses,” the use shall be as permitted or conditionally permitted in its specific retail name as opposed to the building size. *(To be added)*
50. GOVERNING AUTHORITY- The Mayor and the Board of-Alderman for the City of Olive Branch.
40. GRADE -The average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any wall approximately parallels and is not more than five feet from a road line, then the elevation of the road at the center of the wall adjoining the road shall be the grade.
41. HEADSHOP/VAPE STORE/SMOKING ACCESSORY STORE – A commercial or retail establishment that specializes, by having more than 10% of its gross floor sale area dedicated to the sale of any equipment, apparatus or accessory that is used or necessary for the activity of smoking, which shall include pipes, water pipes, hookahs, rolling papers, vaporizers or e-liquids, and e-cigarettes. *(To be added).*
42. HOME OCCUPATION -An occupation conducted in a dwelling unit.
43. HOMEOWNERS ASSOCIATION – A community association which is organized in a development in which individual owners share common interests in common property such as open space or facilities, manages and maintains the common property, and enforces certain covenants and restrictions.

45. HOTEL – A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction, to a boarding house or lodging house as herein defined.
46. INSTITUTION – A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
47. JUNKYARD-A parcel of land upon which the principal or accessory use is the accumulation of used, discarded, or worn out materials, or manufactured products, any of which may or may not be reusable or salable.
48. JUNK CAR-Any motor vehicle which does not have a current inspection sticker or is obviously in such condition as to be considered inoperable.
49. KENNEL- An establishment where dogs or other pets are boarded for compensation or bred or raised on a commercial scale.
50. LAUNDRY, DRY CLEANING PLANT - A service establishment engaged primarily in high volume laundry and garment services, including carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; commercial laundries; and linen supply. These facilities may include customer pick-up but do not include coin-operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry-cleaning stores that do not provide cleaning services to other collection stations or stores. *(To be added)*
51. LOADING SPACE – Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles--when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
52. LODGING HOUSE - Same as Rooming house.
53. LOT –For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public right-of-way, public road, public street or approved private driveway, and shall consist of a single lot of record or a portion of a lot of record.

54. LOT, AREA -The total area within the lot lines of a lot including land area within easements and excluding any street rights-of-way.
55. LOT FRONTAGE -The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and double frontage lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated in this Ordinance.
56. LOT, CORNER -A lot abutting upon two or more streets or road at their intersection. ·
57. LOT, DEPTH OF -The mean horizontal distance between the front and rear lot lines.
58. LOT, DOUBLE FRONTAGE -A lot having a frontage on two non-intersecting roads, as distinguished from a corner lot.
59. LOT LINES-The property lines bounding the lot.
60. LOT LINE, FRONT -The property line separating the lot from a street right-of-way. In the case of a corner lot, each line separating such lot from the street shall be considered a front lot line.
61. LOT LINE, REAR- The lot line opposite and most distant from the front lot line of the lot. In the case of a corner lot the line opposite the front of the house shall be considered the rear lot line.
62. LOT LINE, SIDE-Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is considered a front lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
63. LOT OF RECORD -A lot or parcel of land, the deed or plat of which has been recorded in the office of the Chancery Clerk of DeSoto County, in compliance with all regulations and ordinances of the City of Olive Branch at the time of its recording.
64. LOT WIDTH -The width of a lot at the building line. Buildable width is the

width of lot left to be built upon after the side yards are provided.

65. LOUNGE, BAR OR TAVERN - A business which serves liquor, beer or wine to be consumed on the premises without a meal and which may also provide entertainment in the form of live or recorded music, bands, singers, piano players, dancing, floor shows and the like.
66. MANUFACTURING, LIGHT - The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building. *(To be added)*.
67. MANUFACTURING, HEAVY – The manufacturing or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be obnoxious to adjacent land uses or requires a significant amount of on-site hazardous chemical storage shall be classified under this land use. *(To be added)*
68. MIXED-USE DEVELOPMENT - A single development project that involves a variety of land uses including but not limited to residential, office, commercial, service, entertainment, and manufacturing, and is planned and developed with unified complementarity in the land uses and architecture and functional integrity in the site layout and general design. *(To be added)*
69. MIXED-USE STRUCTURE - A building containing residential in addition to non-residential uses permitted in the zoning district. *(To be added)*
70. MOBILE HOME PARK - A single lot area where two or more mobile homes can be or are intended to be parked, designed, or intended to be used as living facilities for two or more families.
71. MOTEL, MOTOR COURT, MOTOR LODGE, OR TOURIST COURT - Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on

the lot, and designated, used or intended wholly or in part for the accommodation of automobile transients.

72. NON-CONFORMING USE – Any building or land lawfully occupied by a use at the time of passage of this Ordinance, or amendment thereto, which does not conform after the passage of this Ordinance, or amendment thereto, with the use regulations or dimension regulations of the district within which it is situated. Uses established after the passage of this Ordinance which are in violation of this Ordinance are illegal uses and shall not be given the status of nonconforming uses.
73. NURSING HOME – A home for the aged or infirm, in which three (3) or more persons, not of the immediate family, are received, kept, or provided with food and shelter or care, for compensation, but not including hospitals, clinics, or similar institutions.
74. PARKING SPACE – An area enclosed, intended for the purpose of storing one automobile, and which shall be not less than nine (9) feet wide and twenty (20) feet long.
75. PATIO: An uncovered area, improved with concrete, brick, or other hard surface, adjacent to a structure, and used by the occupants of the structure for leisure, but not used for vehicle parking or storage.
76. PERMANENT COSMETICS – *An establishment involving the application of various colors of permanent ink for lip coloring, eye liner, and various other cosmetic uses. Such establishments shall not involve the application of designs, letters, figures, symbols, or other so-called “body art” upon or under the skin. (Amended 4/17/07)*
77. PUBLIC SERVICE FACILITY – Any facility necessary for the operation and/or maintenance of a local governmental unit or a public utility as defined by the laws of the State of Mississippi.
78. PREMISES – A lot, together with all buildings and structures thereon.

79. PREFABRICATED BUILDING – A substantially completed permanent structure of which the structural or sub-assemblies are constructed off site, transported to the site, and erected on a permanent foundation.
80. PROFESSIONAL MASSAGE THERAPIST – An individual practicing massage therapy and who is duly registered with the Mississippi State Board of Massage Therapy in accordance with the Mississippi Professional Massage Therapy Act of 2001, under the provisions of Miss. Code Ann. Sections 73067-1 through 73-67-39, as amended. (Amended 9/19/07)
81. PROFESSIONAL SERVICES – A business that offers any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. By way of example, and without limiting the generality of this definition, professional services include services rendered by certified public accountants, public accountants, engineers, chiropractors, dentists, osteopaths, architects, attorneys at law, and life insurance agents. (To be added)
82. RECREATIONAL FACILITY – A building which is totally enclosed, both with ceilings and wall, within which there is located facilities for the conduct of sports and other related recreational activities and which may include an outdoor swimming pool, or other outdoor sports facilities located directly adjacent to said enclosed facilities and which are an integral part of the main facility. Any recreational facility may also have located within the sports facility, a pro shop wherein items are sold in connection with sports and recreational activities, a nursery to care for the children of participants, and a shop for food and drink sales for the participants located therein. A recreational facility may include gymnastics, weight training, aerobics, adult fitness classes, martial arts training, dance lessons, cheerleading training, and similar exercise activities. Such facilities may also include gymnasiums, indoor swimming pools, indoor handball and racquetball courts, and indoor tennis courts. (Amended 6/20/00) (To be repealed)
83. RECREATION FACILITIES, INDOOR PRIVATE: Indoor uses or structures for active recreation including gymnasiums, natatoriums, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both nonprofit and for-profit operations and arenas that shall here mean a large building or enclosed space for games or major recreational events that may or may not include tiers of seats. (To be added).

84. RECREATION FACILITIES, OUTDOOR PRIVATE: Outdoor parks and other open space used for active or passive recreation such as ball fields, playgrounds, greenway trails, tennis courts, riding stables, campgrounds, and golf courses and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations and outdoor arenas that shall here mean a large open space for games or major recreational events with or without tiers of seats. *(To be added)*.
85. RELIGIOUS INSTITUTION – A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery, mausoleums, soup kitchens, and bookstores. Considering the daily traffic impact and other potential negative externalities associated with elementary and secondary schools, vocational and technical schools, and college and university schools, these uses that may be provided by a religious institution may only be permitted where they are separately and expressly named and allowed as a permitted use or a conditional use in this zoning ordinance. *(To be added)*
86. RESTAURANT – An establishment where complete meals are prepared, served, and where beverages are customarily served to be consumed with a meal. These activities are primarily within the principal building.
87. RESTAURANT, CARRY OUT – An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or not encouraged.
88. RESTAURANT, DRIVE-IN – An establishment where food is sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the structure, often in a motor vehicle on the site.
89. RETAIL SERVICE TRUCK ROUTE CENTER – An establishment engaged in delivering goods to other business enterprises, including parking and repair of vehicles utilized in providing such service.

90. ROADSIDE STAND – A temporary structure with a floor area of not more than four hundred (400) square feet, unenclosed or partially enclosed, and so designed and constructed such that the structure is easily portable.
91. ROOMING HOUSE – A building or place where lodging is provided (or which is equipped to regularly to provide lodging by pre-arrangement for definite periods), for compensation, for five or more, but not exceeding 12 individuals, not open to transient guests, in contradistinction to hotels open to transients including group houses and halfway houses.
92. SCHOOL, COLLEGE/UNIVERSITY – A public or private institution, other than a trade school, for post-secondary education, which is authorized by the State to award associate, baccalaureate, or higher degrees. *(To be added)*
93. SCHOOL, ELEMENTARY & SECONDARY – A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the State and that meets the state requirements for elementary and secondary education. *(To be added)*
94. SCHOOL, VOCATIONAL/TECHNICAL – A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification. *(To be added)*
95. SENIOR HOUSING – A development limited by contract, covenant, or other agreement to use by individuals 55 years of age or older. For the purposes of this definition, senior housing may include detached single-family uses, duplexes, townhouses, or multiple-family structures, and shall be considered to include such terms as nursing home, independent living project, assisted living project, senior apartment complex, or retirement village. (Amended 2/17/98)
96. SEXUALLY ORIENTED BUSINESS – As defined in Section 11, Subsection 20 of the Ordinance of the City of Olive Branch, Mississippi, Regulating Adult Entertainment Establishments; And For Related Purposes, adopted on February 2, 1999. (Amended 3/16/99)
97. SHOPPING CENTER – A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

98. SIGN – (See Sign Regulation Definitions)
99. STORAGE – WAREHOUSE, INDOOR STORAGE – Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight. *(To be added)*.
100. STORY – That portion of a building, other than a basement or cellar, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
101. STORY, HALF – A space under a sloping roof or in a basement in which not more than sixty (60) percent of the floor area is finished off for use.
102. STREET OR HIGHWAY – A public right-of-way which affords the principal means of access to abutting property.
103. STRUCTURE: Anything constructed or erected, the use of which requires permanent location upon the ground, or attached to something having a permanent location upon the ground.
104. STRUCTURAL ALTERATION: Any change, except those required by law, that would alter the life of the supporting members of a building or structure, such as the bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other resolutions.
105. STUDIO – ART, DANCE, MARTIAL ARTS, MUSIC, Etc – Small facilities, typically accommodating one group of students at a time, in no more than one instructional space. These establishments may include individual and group instruction and training in the arts; production rehearsal photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment. *(To be added)*
106. TANNING SALONS – *Businesses, which derive more than 50% of their gross income from the renting of tanning beds. (Amended 7/29/97)*

107. TATTOO PARLOR – Any place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, by the aid of needles or any other instrument design to touch or puncture the skin, except for the application of permanent cosmetics. (Amended 4/17/07)
108. TERRACE – Same as "Patio."
109. THEATER, LIVE PERFORMANCE – Includes concert halls and other structures with fixed stages arranged for outdoor recreational live performance by professional or amateur actors or artists. (To be added)
110. TOWNHOUSE – A single-family dwelling forming one of a group or series of three or more attached single-family dwellings separated one from another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement or cellar to roof, and having roofs, which may extend from one of the dwelling units to another.
111. TRAVEL PARK – A lot or parcel of land upon which five (5) or more spaces are occupied or intended for occupancy by recreational vehicles designed for travel, recreation, and vacation use.
112. VARIANCE – A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the Ordinance would result in an unnecessary and undue hardship.
113. VEHICLE SERVICES, MAJOR REPAIR/BODY WORK – The repair servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes Major Repair and Body work which encompasses towing, collision repair, other body work and painting services, engine and other mechanical overhaul, and tire recapping. (To be added)
114. VEHICLE SERVICES, MINOR MAINTENANCE & REPAIR – Facilities providing limited repair, servicing, alteration, restoration, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, which may include the incidental retail sale of vehicle parts as an accessory

use. Examples include car stereo and alarm system installers; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping). *(To be added)*

115. WHOLESALE & DISTRIBUTION - Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. *(To be added)*
116. YARD – An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this ordinance.
117. YARD, FRONT – A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.
118. YARD, REAR – A yard extending the full width of the lot between a main building and the rear lot line.
119. YARD, SIDE – A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.
120. ZERO LOT LINE – A development approach in which a building is located on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.

ARTICLE V

SCHEDULE OF DISTRICT REGULATIONS

Sec. 1. General Provisions

- A. No building or premises shall be used and no building shall hereafter be erected or altered for any purpose other than that allowed in the district in which such building or premises is located.
- B. All territory which may hereafter become part of the City of Olive Branch by revision of the corporate boundaries shall remain in its existing classification until such time as such classification may be changed by an amendment to this zoning ordinance as provided by law.

Sec. 2. Establishment of Zoning Districts

- A. Zoning districts are established by the ordinance to:
 - 1. classify, regulate and restrict the location of businesses, trades, industries, residences, and other land uses and the location of buildings designed for specified uses;
 - 2. regulate and limit the height and bulk of buildings hereafter erected, reconstructed, or altered;
 - 3. regulate and limit the intensity of the use of lot areas;
 - 4. regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings; and
 - 5. serve other purposes towards realizing the vision, goals, and policies of the City of Olive Branch Comprehensive Plan 2040 and subsequent updates.
- B. Each zoning district serves a different purpose and imposes its own set of requirements and restrictions on the use of land and structures within the City of Olive Branch, MS.
- C. Three types of zoning districts are hereby established: Base Zoning Districts, Flexible Commercial Development Zones, and Planned Development Districts.

Sec. 3. Types of Zoning Districts

- A. Base Zoning Districts
 - 1. Base zoning districts are standard or conventional zoning districts established for specific land use types and with specific prescribed development standards.

2. The base zoning district regulations shall apply unless expressly superseded by overlay district provisions.
3. The following Base zoning districts, as provided in Table 1, Table of Base Zone Districts, are hereby established:

Table 1: Table of Base Zoning Districts

Land Use Type	Base District Name	Abbrev.	Land Use Character	
<i>Agricultural</i>	Agricultural	A	Low Density, Natural	
	Agricultural-Residential	A-R	Low Density, Rural	
<i>Residential</i>	Residential-Estate	R-E	Low Density, Rural-Suburban Transitional	
	Single Family Residential-30	SFR-30	Low Density, Semi-Suburban	
	Single Family Residential-20	SFR-20	Low Density, Suburban	
	Single Family Residential-15	SFR-15	Low Density, Suburban	
	Single Family Residential-12	SFR-12	Low-to Medium Density, Suburban	
	Single Family Residential-10	SFR-10	Medium Density, Suburban	
	Single Family Residential-8	SFR-8	Medium Density, Suburban	
	Single Family Residential-6	SFR-6	Medium Density, Suburban	
	Single Family Residential-4	SFR-4	Medium-to High Density, Suburban-Urban Transitional	
	Residential Townhouse	RTH	Medium-to High Density, General Urban	
	Residential Multiple Family	RMF	High Density, General Urban	
	<i>Commercial</i>	Office	O	Low Intensity Commercial
		Neighborhood Commercial	NC	Low Intensity Commercial
Highway Commercial		HC	Low Intensity Commercial	
Shopping Center		SC	Medium Intensity Commercial	
General Commercial		GC	Medium Intensity Commercial and Industrial	
<i>Mixed Use</i>	Old Towne District	OTD	Urban Center	
<i>Institutional</i>	Public - Institutional	P-I	Medium-to High Intensity Public & Semi-public Institutions	
<i>Industrial</i>	Light Industrial	LI	Low Impact Industrial	
	Heavy Industrial	HI	High Impact Industrial	

B. Flexible Commercial Development Zones

1. Flexible Commercial Development Zones are districts established in the zoning ordinance that can be developed in accordance with the provisions of the Highway Commercial (HC) District, the General Commercial (GC) District, or a modified combination of the two districts – in all cases subject to the approval of a planned development project narrative text and associated conceptual master plans by the Board of Aldermen.
2. The Board of Aldermen considers and approves the project narrative text and associated master plans in the rezoning of the property. Upon approval of the rezoning, the property shall be designated as Planned Development (PD) District.

C. Planned Development (PD) Districts

1. Planned Development Districts are contiguous land areas, under unified control, planned and (to be) developed as a whole, in a single development operation or a definitely programmed series of development operations or phases for which the Board of Aldermen has approved the development project text and master plan.
2. The development of property as a planned development should be an exception, not the norm. It is the intent of this Ordinance that properties should be generally developed under one or more of the multiple base zone districts; PD Districts, therefore, should be sparingly created.
3. Before a PD can be approved, the applicant shall present evidence to the Planning Commission and the Board of Aldermen why the development of the property under any of the base zoning districts is not appropriate, and why and how the proposed development meets one or more of the PD qualification criteria stipulated in Article V, Sec. 28(C).
4. A Planned Development proposal may be approved, and upon such approval shall develop, in accordance with the provisions of Article V, Sec.28.

Sec. 4. Boundaries of Districts

- A. The boundaries of these districts are indicated upon the zoning district map of Olive Branch, Mississippi. The map is made a part of this ordinance upon the effectiveness of this ordinance. The said zoning district map of Olive Branch, Mississippi, and all the notations, references, and other matters shown thereon shall be as much a part of this ordinance as if the notations, references, and other

matters set forth by said zoning district map were all fully described herein, which zoning district map is properly attested and on file with the Chancery Clerk of DeSoto County, Mississippi.

B. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the zoning district maps accompanying and made a part of this ordinance, the following rules shall apply:

1. Where a boundary line is given a position within a street, road, or alley, it shall be deemed to be in the center of the street, road, or alley; and if the actual location of such street, road, or alley varies from the location as shown on the zoning district map then the actual location shall control.
2. Where a boundary line is shown as approximately following municipal, county, or state boundaries, it shall be construed to follow such boundaries.
3. Where a boundary line is indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water, it shall be construed to follow such centerline.
4. Where a boundary line is shown as being located a specific distance from a street or road line or other physical feature, this distance shall control.
5. Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated mainline track.
6. In un-subdivided areas where district boundaries as shown on the zoning district maps do not coincide or approximately coincide with street lines, alley lines, or lot lines, and no dimensions are shown, the location of such district boundary lines shall be determined using the scale applicable to the zoning district map.

Sec. 5. Agricultural District (A)

A. Character

Agricultural District areas are generally natural in character, defined by a landscape that is generally unsuitable for human habitation due to its topography, hydrology, vegetation, or other environmentally sensitive uses, although low density single family detached houses may occasionally exist. These areas mainly serve environmentally sensitive purposes, parks, greenways, and agricultural uses.

B. *Purpose and Intent*

The purpose and intent of the Agricultural District (A) is to:

1. Protect areas that are permanently preserved in government ownership or conservation easements as natural and/or environmentally significant lands.
2. Conserve agricultural land and undeveloped natural amenities such as wetlands.
3. Prevent the encroachment of urban and other incompatible land uses on farmland and undeveloped areas, except, however, that future urbanization may occur in suitable undeveloped areas.
4. Provide zoning protection for current and potential agricultural lands as may be necessary.

C. *Uses*

The Agricultural District permits large lot residential use, and normal farming activities as well as related uses found in rural areas. However, inordinate scattering of residences on small lots and other urban uses that would require unreasonable expenditures for public improvements and services shall be prevented. In the Agricultural District, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, are allowed.

D. *Density and Bulk Regulations*

For density and bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, and setbacks for front, side, and rear yards refer to Table 4.

Sec. 6. Agricultural Residential District (A-R)

A. *Character*

The Agricultural-Residential District is rural in character, defined by sparsely settled lands in open or cultivated states with the primary use being single family detached houses in an agricultural and/or woodland environment, which creates low gross density landscape. These areas often have large and un-subdivided residential parcels of more than one acre in size with large open yards that may or may not be used for various active agricultural purposes on the property. Streets are constructed with open ditches and without sidewalks.

B. *Purpose and Intent*

The purpose and intent of the Agricultural Residential District (A-R) is to:

1. Accommodate existing, often un-platted single-family housing on relatively large lots with or without active agricultural activities and generally characterized by a rural atmosphere.
2. Provide for the development of single-family low-density areas with large open spaces while promoting the aesthetics of the property from street view.
3. Establish areas for the development of low-density residential neighborhoods in a manner that is compatible with areas of unique open space character and environmental sensitivity.
4. Promote a gradual transect transition between semi-urban and rural areas by allowing a more rural lifestyle on larger single-family residential lots; cognizant, however, that these lots may be further subdivided in future.

C. *Uses*

In addition to detached single-family, other uses such as religious institutions, schools, and accessory uses compatible with low density, large lot developments are allowed. In the Agricultural-Residential District only those permitted uses and conditional uses upon approval of the Board of Adjustment as specified in Table 3, Table of Uses, are allowed.

D. *Density and Bulk Regulations*

For density and bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, and setbacks for front, side, and rear yards refer to Table 4

E. *Special Development Standards*

1. The creation of flag or pipestem lots is only permitted in the A-R District subject to the following conditions:
 - (a) No more than two pipestem/flag lots shall be created where their frontages are located adjacent to each other.
 - (b) The “stem” or “pole” shall be a minimum of forty (40) feet wide for lots under five (5) acres, and a minimum of fifty (50) feet wide for lots with five (5) acres or more. The width shall be indicated at the beginning and end of the “stem” or “pole”. Where the “stem” or “pole” provides access to multiple lots, it shall be platted as an access easement.

- (c) No more than one (1) tier of pipestem or flag lots shall be permitted, creating a maximum of two (2) tiers of lots accessed from the same public street.
- 2. The entire length and width of a new driveway in the A-R District must be paved. When a driveway already exists on a parcel and the property is subdivided, the first 100ft of the existing driveway must be paved.
- 3. Accessory structures may be placed within the front yard provided all three conditions below are met:
 - (i) The size of the accessory structure shall be no more than 25% of the size of the principal structure;
 - (ii) The accessory structure shall not be placed within the front plane of the house; and
 - (iii) The accessory structure shall not be visible from the public street on which the property fronts.

Sec. 7. Residential - Estate District (R-E)

A. Character

Residential – Estate District (R-E) areas are semi-rural in character, transitioning from rural to suburban, and defined by low gross density in a predominantly detached single-family residential housing environment with relatively large open yards, but lacking significant farming and private common subdivision amenities. The designated areas generally consist of major subdivisions of lots that are at least one acre in size, which were historically developed without public water and sewer, but to which City utilities have been extended to the areas over time. Streets are often constructed with open ditches, and walking trails may or may not be provided along the road or elsewhere in the subdivision.

B. Purpose and Intent

The purpose and intent of the R-E District is to:

- 1. Accommodate the continued use of the designated area for conventional single-family dwellings with relatively large yards on individual lots.
- 2. Encourage the preservation of trees and open spaces in order to create an estate-like atmosphere.
- 3. Provide a transition from the rural to the suburban and urbanized areas of the City.

4. Facilitate the planning of single-family residential developments with large lots and dwellings.

C. Uses

In addition to single-family residences, other uses compatible with low density, residential-estate living are allowed. In the R-E District, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, are allowed.

D. Density and Bulk Regulations

For density and bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, and setbacks for front, side, and rear yards refer to Table 4.

Sec. 8. Single Family Residential-30 District (SFR-30)

A. Character

The Single Family Residential-30 District (SFR-30) is suburban-rural in character, defined by a low-density environment that appears rural, but has urban utilities infrastructure. The lots are at least 30,000sq ft, but less than an acre. The predominant land use is detached single-family housing. Roads are generally constructed with open ditches and walking trails are often present for use by residents. Curb, gutter, and sidewalks are provided in public streets; however, walking trails of comparable length as the public streets in the subdivision may be constructed in lieu of public sidewalks for use by residents. Common private amenities and open spaces are often provided, and trees are maintained in large yards, especially in the front yard to enhance a rural feel of the suburban neighborhood corridors.

B. Purpose and Intent

The purpose and intent of the SFR-30 District is to:

1. Foster the creation of living areas that promote stable, functional neighborhoods.
2. Promote a pattern of living that reflects a tradition of single-family occupied dwellings that also emphasizes outdoor living.
3. Encourage the preservation of trees and open spaces.
4. Promote walkable and vibrant neighborhoods.

5. Provide a transition between semi-rural areas and the denser suburban areas of the City.

C. *Permitted Uses*

In addition to single-family residences, other uses compatible with low density, semi-rural living are allowed. In the SFR-30 District, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, are allowed.

D. *Density and Bulk Regulations*

For density and bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, and setbacks for front, side, and rear yards refer to Table 4.

Sec. 9. Single Family Residential-20 District (SFR-20)

A. *Character*

The Single Family Residential-20 District is a suburban in character variant, defined by a low-density environment of relatively wider lots that are at least 20,000sq ft but predominantly less than 30,000sq ft in size. These areas have a mix of rural and suburban neighborhood residential features such as lawns and landscaped yards surrounding mainly detached single-family houses with relatively deeper setbacks. Subdivision amenities and streets with curb, gutter, and sidewalks on both sides are frequently present. The neighborhood often has common areas and common open spaces, which with the pedestrian network encourage outdoor living and exercising. Trees are maintained in moderate sized yards, especially in the front yard to enhance the suburban character.

B. *Purpose and Intent*

The purpose and intent of the SFR-20 District is to:

1. Foster the creation of living areas that promote stable, functional neighborhoods.
2. Promote a pattern of living that reflects a tradition of single-family occupied dwellings, which also emphasizes outdoor living.
3. Encourage the preservation of trees and open spaces.
4. Promote walkable and vibrant neighborhoods with at least one common subdivision amenity.

5. Provide a transition between semi-rural and the denser general urban areas of the City.

C. *Uses*

In addition to single-family residences, other uses compatible with low- to moderate density suburban living are allowed. In the SFR-20 District, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, are allowed.

D. *Density and Bulk Regulations*

For density and bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, and setbacks for front, side, and rear yards refer to Table 4.

Sec. 10. Single Family Residential-15 District (SFR-15)

A. *Character*

The Single Family Residential-15 District is a suburban in character variant, defined by a low-density environment of relatively wide lots that are at least 15,000sq ft but predominantly less than 20,000sq ft in size. They have lawns and landscaped yards surrounding detached single-family houses with relatively deep setbacks. Low intensity neighborhood services and commercial activities exist in proximity to, but not within the residential area, to support residential living. Ideally, the neighborhood has common areas and streets have curbs, gutter, and sidewalks. Common open spaces are often present, and trees are maintained in moderate sized yards.

B. *Purpose and Intent*

The purpose and intent of the SFR-15 District is to:

1. Foster the creation of living areas that promote stable, functional neighborhoods.
2. Promote a pattern of living that reflects a tradition of single-family occupied dwellings that also emphasizes outdoor living.
3. Encourage the preservation of trees and open spaces.
4. Promote walkable and vibrant neighborhoods with common subdivision amenities.
5. Provide areas where low intensity services and commercial activities enhance single families living in their proximity.

C. *Uses*

In addition to single-family residences, other uses compatible with moderate density suburban living are allowed. In the SFR-15 District, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, are allowed.

D. *Density and Bulk Regulations*

For density and bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, and setbacks for front, side, and rear yards refer to Table 4.

Sec. 11. Single Family Residential-12 District (SFR-12)

A. *Character*

The Single Family Residential-12 District is a suburban in character variant, defined by a low-to medium density environment of relatively narrow lots that are at least 12,000sq ft but predominantly less than 15,000sq ft in size. The lots have front lawns and landscaped yards surrounding detached single-family houses with relatively deep setbacks. Low intensity neighborhood services and commercial activities exist in proximity to, but not within the residential area, to support residential living. Ideally, the neighborhood has common areas and streets have curb, gutter, and sidewalks that encourage outdoor living and exercising. Common open spaces are often present, and trees are maintained in moderate sized yards.

B. *Purpose and Intent*

The purpose and intent of the SFR-12 District is to:

1. Foster the creation of living areas that promote stable, functional neighborhoods.
2. Promote a pattern of living that reflects a tradition of single-family occupied dwellings that also emphasizes outdoor living.
3. Encourage the preservation of trees and open spaces.
4. Promote walkable and vibrant neighborhoods with common subdivision amenities.
5. Provide areas where single family living is enhanced by community low intensity services and commercial activities in their proximity.

C. *Uses*

In addition to single-family residences, other uses compatible with moderate density suburban living are allowed. In the SFR-12 District, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, are allowed.

D. *Density and Bulk Regulations*

For density and bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, and setbacks for front, side, and rear yards refer to Table 4.

Sec. 12. Single Family Residential-10 District (SFR-10)

A. *Character*

The Single Family Residential-10 District is a suburban in character variant, defined by relatively narrower lots that are at least 10,000sq ft but predominantly less than 12,000sq ft in area. The lots have small front lawns and landscaped yards surrounding detached single-family and sometimes attached single-family duplex houses in a medium density environment. Low intensity neighborhood services and commercial activities exist in proximity to, but not within the residential area, to support residential living. Ideally, the neighborhood has common areas and streets have curb, gutter, and sidewalks that encourage outdoor living and exercising. Common open spaces are often present, and trees are maintained in moderate sized yards.

B. *Purpose and Intent*

The purpose and intent of the SFR-10 District is to:

- (1) Foster the creation of living areas that promote stable, functional neighborhoods.
- (2) Promote a pattern of living that reflects a tradition of single-family detached and two-family attached dwellings while emphasizing neighborhood vitality and vibrancy.
- (3) Encourage the preservation of trees and open spaces.
- (4) Promote walkable and vibrant neighborhoods with common subdivision amenities.
6. Provide areas where single family living is enhanced by community low intensity services and commercial activities in their proximity.

C. *Uses*

In addition to single-family residences, other uses compatible with moderate density suburban living are allowed. In the SFR-10 District, only those permitted uses and conditional uses upon approval of the Board of Adjustment as specified in Table 3, Table of Uses, are allowed.

D. *Density and Bulk Regulations*

For density and bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, and setbacks for front, side, and rear yards refer to Table 4.

Sec. 13. Single Family Residential-8 District (SFR-8)

A. *Character*

The Single Family Residential-8 District is a suburban land use character variant, defined by lots that are at least 8,000sq ft but predominantly less than 10,000sq ft in area. The limited width lots have small lawns and shallow landscaped yards mainly surrounding single-family houses in a medium density environment. Low intensity neighborhood services and commercial activities exist in proximity to, but not within the residential area, to support residential living. Streets are constructed with curb, gutter, and sidewalks. Ideally, the neighborhood has common areas that are owned and managed privately by property owners. Street trees or front yard trees are provided to enhance the suburban character of the neighborhood. Community facilities, public utilities, and open space uses enhance residential life.

B. *Purpose and Intent*

The purpose and intent of the SFR-8 District is to:

- (1) Encourage a high standard of medium residential densities in which single-family housing is the primary form of development, while permitting economies in construction and services.
- (2) Provide areas in which density and building heights are sufficiently moderated to foster compatibility with existing single-family developments.
- (3) Guide residential development in such a manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, schools, parks and recreation.
- (4) Promote the development of attractive residential areas that provide a sense of community, establish a pedestrian-friendly atmosphere and contain a variety of housing types.

- (5) Provide housing alternatives that encourage aging in place.
- (6) Provide areas where low intensity services and commercial activities enhance single family living in their proximity.
- (7) Provide a transition between single family detached and denser attached residential land use areas.

C. *Uses*

In addition to single-family detached dwellings and duplexes, other uses compatible with medium density suburban living are allowed. In the SFR-8 District, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, are allowed.

D. *Density and Bulk Regulations*

For density and bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, and setbacks for front, side, and rear yards refer to Table 4.

Sec. 14. Single Family Residential-6 District (SFR-6)

A. *Character*

The Single Family Residential-6 District is a suburban land use character variant, defined by lots that are at least 6,000sq ft but predominantly less than 8,000sq ft in size. The relatively more limited width lots have small front lawns and shallow landscaped yards surrounding mainly single-family houses in a medium density environment. Low intensity neighborhood services and commercial activities exist in proximity to, but not within the residential area, to support residential living. Streets are constructed with curb, gutter, and sidewalks. Ideally, the neighborhood has common areas that are owned and managed privately by property owners. Community facilities, public utilities, and open space uses enhance residential life.

B. *Purpose and Intent*

The purpose and intent of the SFR-6 District is to:

- (1) Encourage a high standard of medium residential densities in which single-family housing is the primary form of development, while permitting economies in construction and services.
- (2) Provide areas in which density and building heights are sufficiently moderated to foster compatibility with existing single-family developments.

- (3) Guide residential development in such a manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, schools, parks and recreation.
- (4) Promote the development of attractive residential areas that provide a sense of community, establish a pedestrian-friendly environment, and contain a variety of housing types.
- (5) Provide housing options that encourage aging in place.
- (6) Provide a transition between single family detached and denser attached residential land use areas.

C. *Uses*

In addition to single-family detached dwellings and duplexes, other uses compatible with medium density suburban living are allowed. In the SFR-6 District, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, are allowed.

D. *Density and Bulk Regulations*

For density and bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, and setbacks for front, side, and rear yards refer to Table 4.

Sec. 15. Single Family Residential-4 District (SFR-4)

A. *Character*

The Single Family Residential-4 District is characterized by predominantly single-family residential detached houses in a medium-to high density environment transitioning from suburban to general urban character. The lots are at least 4,000sq ft but most are less than 6,000sq ft in area. Setbacks are shallow and yards are significantly narrow. The neighborhood often has common areas and streets have curbs, gutter, and sidewalks. The availability of community facilities, public utilities, open space, and commercial uses in proximity enhance residential life in the district.

B. *Purpose and Intent*

The purpose and intent of the SFR-4 District is to recognize and provide a zoning scheme that accommodates and protects existing houses on lots of record that are less than 6,000 sq. ft.

C. *Restricted Applicability*

In line with the purpose of the SFR-4 District, restrictions shall apply in the zoning classification and rezoning of property to the SFR-4 District. Only areas that meet at least one of the following criteria may be zoned or rezoned to the SFR-4:

- (a) An area of multiple lots of record of less than 6,000 sq. ft. in existence at the time of the effectiveness of this Article V, Sec.15(C).
- (b) Total or partial land area of a residential planned development, which although not yet fully developed, its PD Plan involving the potential creation of single-family residential lots of less than 6,000sq ft. had been approved by the Board of Aldermen before the effectiveness of this Article V, Sec.15(C).

D. *Uses*

In addition to single-family detached dwellings, other uses compatible with medium density suburban-to-urban transitional living are allowed. In the SFR-4 District, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, are allowed.

E. *Density and Bulk Regulations*

For density and bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, and setbacks for front, side, and rear yards refer to Table 4.

Sec. 16. Residential Townhouse District (RTH)

A. *Character*

The Residential Townhouse District (RTH) is general urban in character, defined by a medium-to high density pedestrian friendly environment of primarily residential urban fabric of a range of building types, but mainly townhouses with shallow to medium front and side yards. The use of the word “townhouse” in this Article V, Sec. 16 includes condominiums.

B. *Purpose and Intent*

The purpose and intent of the RTH District is to:

1. Increase the variety of available housing choices in the City by providing Townhouse districts wherein individual units can be sold on individually deeded lots in fee simple or as condominium units.
2. Encourage aging in place.

C. *Use*

In addition to single-family detached dwellings, duplexes, triplexes, condominiums, and other townhouse uses compatible with medium density peri-urban living may be allowed. In the RTH District, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, are allowed.

D. *Density and Bulk Regulations*

For density and bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, and setbacks for front, side, and rear yards refer to Table 4.

E. *Parking Requirements*

1. Off-street parking shall be provided at two spaces per dwelling unit.
2. Required off-street parking shall be located on the same lot as the principal building.
3. Unless townhouses are in a private gated community without a public thru-street, parking spaces shall be located in the rear yard area.

F. *Building and Unit Design*

1. There shall be no more than eight (8) attached units in one townhouse building.
2. There shall be a minimum fifteen feet (15ft) separation between buildings.
3. Each town house building shall be a minimum of 75% brick masonry type construction in all building elevations.
4. The minimum heated square footage of a one (1) to two (2) bedroom townhouse unit will be 1,400 sq. ft. The minimum heated square footage of a three (3) or more bedroom townhouse unit will be 1,600 sq. ft. These are exclusive of open porches, garages, and basements.
5. A minimum of 1 (one) car garage shall be provided for a two or less bedroom townhouse units. A minimum of two (2) car garages shall be provided for three or more-bedroom units.

G. *Access*

- (a) Every structure shall be on a lot adjacent to a public street or with access to an approved private street.
- (b) Access and circulation shall provide adequately for firefighting equipment, service deliveries, furniture, moving vans and refuse collection.

H. *Walkways*

A minimum 5 ft. wide ADA accessible sidewalk shall be provided in the entire street frontage(s) of the property and extended to and throughout parking areas, and to each building.

I. *Privacy*

Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walls and landscaping shall be provided for the protection and privacy of the occupants and as a means of screening objectionable views or uses and of reducing noise.

J. *Landscape Screen and Planting*

1. A landscape screen shall be provided along all rear and side property lines of the tract area as required in the landscape and buffer yard provisions of this Ordinance.
2. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees to the full extent possible and other site features; and additional new plant material shall be added for privacy, shade and beauty of buildings and grounds and to screen out objectionable features. Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes. Areas of trees preservation shall be clearly delineated on the landscaping detailed plan.
3. The landscaping plan shall be submitted for approval concurrent with the preliminary subdivision plat of the development.
4. The maintenance of landscape areas on individual units shall be the responsibility of the unit owner, except otherwise specified on the subdivision plat of the townhouse or condominium. The maintenance of private common landscape areas shall be the responsibility of the homeowners association, unless otherwise specified on the subdivision plat of the townhouse or condominium.

K. *Open Space Requirement*

1. A minimum of ten (10) percent of the site shall be reserved or preserved as common open space.
2. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements which are permitted in the common open space must be appropriated to the uses which

are authorized for the common open space, having regard for its topography and other natural conditions.

L. *Recreation Areas*

1. At least one active recreation area shall be provided for the townhouse development. However, considering the number of units proposed, the Planning Commission may recommend and the Board of Aldermen may require the provision of additional, adequate active recreational facilities in the approval of the subdivision preliminary plat.
2. All recreational facilities for the residents shall be provided in a location which is accessible to the living units and which does not impair the view and privacy of the living units.
3. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.
4. Well-equipped playgrounds of adequate size shall be provided where it is anticipated that children will occupy the premises.

M. *Approval and Development Process*

1. A complete townhouse development application shall be submitted to the Department of Planning and Development. The complete application package shall consist of all of the following:
 - (a) Completed preliminary plat application form and review fee;
 - (b) A subdivision preliminary plat containing all data for preliminary plats as stipulated in the Subdivision Regulations of the City of Olive Branch; and
 - (c) Landscaping plans sheet(s).
2. The Planning Commission shall consider the preliminary plat, the supporting landscape plan, and the associated staff report and make its recommendation to the Board of Aldermen.
3. The Board of Aldermen shall consider the preliminary plat, the associated landscape plan, staff report, and the recommendation of the Planning Commission and make a final decision.
4. Where the rezoning of the property is involved, a rezoning application shall be submitted concurrently with the preliminary subdivision plat materials for the Planning Commission's recommendation and decision of the Board of

Aldermen. If the Board of Aldermen disapproves the rezoning application, consideration of the subdivision preliminary plat shall be moot.

5. Upon approval of the preliminary plat by the Board of Aldermen, the developer shall submit civil construction plans of the subdivision infrastructure to the City Engineer for administrative review and approval.
6. Following construction of the subdivision infrastructure with at least the extension of water and sewer lines to the horizontal location of each unit, the first lift of asphalt on all streets having been laid, and private amenity areas having been completed, the subdivider shall submit a final plat and associated covenants and restrictions, completed final plat application, and final plat review fee for staff review, recommendation by the Planning Commission, and decision of the Board of Aldermen.
7. Upon approval of the final plat, the subdivider shall record the final plat and associated covenants and restrictions at the Desoto County Chancery Clerk's office before commencing the sale or transfer of any units. The subdivision plat must be recorded before a building permit may be issued for any housing construction on the lots.

Sec. 17. Residential Multiple Family District (RMF)

A. Character

The Residential Multiple Family District (RMF) is general urban in character, defined by a pedestrian friendly environment of single residential use (as opposed to mixed use) large multiple family buildings – mainly apartments – that are close to urban services and commercial activities. The overall density of the area is high. Adequate amenities should be provided onsite to serve the needs of residents.

B. Purpose and Intent

The purpose and intent of the RMF District is to:

- (1) Provide for multiple dwelling unit apartment and townhouse developments in areas where accessibility to arterial and/or collector streets, availability of community facilities, and shopping convenience are sufficient to support high density development.
- (2) Accommodate development of attractive residential areas that provide attainable housing opportunities with a sense of community, establish a pedestrian-friendly atmosphere and contain a variety of housing types.

- (3) Guide multi-family residential development in such a manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, schools, parks and recreation.
- (4) Implement the land use policies and land use designation for the High Density Residential designation in the comprehensive plan.

C. *Uses*

In addition to duplexes, triplexes, townhouses, condominium clusters, and multifamily rental apartments, other uses compatible with high density living such as residential care homes and day care centers are allowed. In the RMF District, only those permitted uses and conditional uses upon approval of the Board of Adjustment as specified in Table 3, Table of Uses, are allowed.

D. *Density and Bulk Regulations*

For density and bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, and setbacks for front, side, and rear yards refer to Table 4.

E. *Grouped Parking Areas*

1. A minimum of two (2) parking spaces shall be provided per dwelling unit.
2. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. The parking areas shall generally be located in close proximity to the dwelling units they are designed to serve.
3. At least one parking space per dwelling shall be located so as to provide a maximum walking distance of 200 feet from the nearest entrance of the dwelling unit which the space is to serve.
4. All common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use.
5. Screening of parking and service areas shall be required through ample use of trees, shrubs, hedges and screening walls.

F. *Access*

1. Every structure shall be on a lot adjacent to a public street or with access to an approved private street.
2. Access and circulation shall provide adequately for firefighting equipment, service deliveries, furniture, and moving vans and refuse collection.

G. *Walkways*

A minimum 5 ft. wide ADA accessible sidewalk shall be provided in the entire street frontage(s) of the property and extended to and throughout the parking lot, and to each building.

H. *Privacy*

Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walls and landscaping shall be provided for the protection and privacy of the occupants and as a means of screening objectionable views or uses and of reducing noise.

I. *Dumpster*

Dumpster enclosure(s) constructed of brick or masonry wall, and excluding all wood materials, shall be located on the site where it or they are not visible from the public street on which the lot(s) front.

J. *Open Space*

1. A minimum of fifteen (15) percent of the site shall be reserved as open space for common use.
2. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements which are permitted in the common open space must be appropriated to the uses which are authorized for the common open space having regard for its topography and unimproved condition.

K. *Recreational Facilities*

1. At least two active recreation facilities shall be provided for the multifamily development.
2. All recreational facilities for the residents shall be provided in a location which is accessible to the living units and which does not impair the view and privacy of the living units.
3. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.
4. Well-equipped playgrounds of adequate size shall be provided where it is anticipated that children will occupy the premises.

L. *Planting*

1. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade and beauty of buildings and grounds and to screen out objectionable features.
2. Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

M. *Approval Process*

1. The applicant shall hold a neighborhood meeting prior to formal submission of an application to rezone property to the RMF District.
2. After the neighborhood meeting, the developer shall submit civil, landscaping, photometric, and building elevation development plans in conformity with the stipulations of the Design Review Ordinance, completed application forms, and pay the review fee to the Planning and Development Department and the Engineering Department for administrative review and approval.
3. The site layout plan, landscaping plan, and building elevations plan sheets shall be presented to the Planning Commission for their recommendation to the Board of Aldermen for final approval or denial decision.
4. Upon approval by the Board of Aldermen, the full set of development plans and all building plans shall be reviewed and approved administratively by planning, engineering, and building departments' staff of the City of live Branch.

Sec. 18. Office District (O)

A. *Character*

The Office District (O) is a service district characterized by low intensity office uses, mainly professional and administrative offices, and supporting services developed in conjunction with office use in a pedestrian friendly environment that is also auto-accommodating.

B. *Purpose and Intent*

The purpose and intent of the O District is to:

1. Provide areas for low intensity services that can serve as a transition between residential and commercial uses.
2. Permit offices and associated administrative, executive, professional and research activities on a smaller scale basis abutting residential district in order

to preserve the character of adjacent residential uses, guide growth and development, and ensure compatibility with other zoning districts.

3. Provide areas for a group of uses mainly restricted to office uses that predominantly serve neighborhood or community needs and are therefore compatible with suburban development.

C. *Uses*

In addition to professional offices, other uses compatible with residential developments are allowed. In the O District, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, are allowed.

D. *Bulk Regulations*

For bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, lot coverage, and setbacks for front, side, and rear yards refer to Table 4.

Sec. 19. Neighborhood Commercial District (NC)

A. *Character*

The Neighborhood Commercial District (NC) is characterized by low intensity commercial and office uses in an area that is connected both by pedestrian walkways and streets to the surrounding residential area towards providing the basic retail, eatery, and services needs of nearby residents. Development in this district involves small sized commercial buildings with entrances and windows that are oriented to the sidewalk/street, low traffic generation, considerable walk-in-trade, and generally quiet operations.

B. *Purpose and Intent*

The purpose and intent of the Neighborhood Commercial District (NC) is to:

1. Foster low intensity neighborhood-oriented commercial development adjacent to, integrated within, or at the entrance to residential neighborhoods.
2. Provide retail shopping for everyday needs and personal services to serve the surrounding residential area, while ensuring that the height of buildings and open spaces surrounding the district do not adversely affect nearby residences.
3. Protect existing neighborhood retail districts and permit new establishments where local economic demand and appropriate design can ensure compatibility with the neighborhood.

4. Limit the size, scale and expansion of neighborhood commercial uses in order to minimize traffic volumes and congestion, and other adverse impacts on the neighborhoods in which such establishments are located.
5. Implement the land use policies and land use designation for Neighborhood Commercial designation in the comprehensive plan.

C. *Uses*

In addition to professional offices, other uses compatible with residential developments are allowed. In the NC District, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, are allowed.

D. *Bulk Regulations*

For bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, lot coverage, and setbacks for front, side, and rear yards refer to Table 4.

E. *Location*

(1) Generally, this district may be located in one of the following areas:

- (a) Adjacent to residential neighborhoods
- (b) At the entrance to residential neighborhoods
- (c) As a commercial node at the intersection of arterial roads, arterial and collector roads, arterial and local streets, or collector and local streets adjacent to, within, or at the entrance into a residential neighborhood.

(2) The midblock location of this district shall be discouraged and avoided.

F. *Subdivision Site Planning Required*

Within the NC District, any subdivision of land shall address curb-cut or driveway numbers and location, permanent cross-access easement interconnectivity with adjoining commercial lots, and specifications shall be made on the subdivision plat to this effect.

Sec. 20. Highway Commercial District (HC)

A. *Character*

The Highway Commercial District (HC) is characterized by medium-to-high intensity, high traffic volume generating wide range of retail, wholesale commercial, recreation and entertainment, office, institutional, and professional developments along major roadways in the City. Development in these areas is mainly auto oriented although pedestrian walkability is likewise encouraged.

B. Purpose and Intent

The purpose and intent of the HC District is to:

1. Support the development of urban areas that offer a mixture of uses including retail, offices, services, entertainment, and commercial within the same site with connections between those uses.
2. Provide retail and service outlets serving not only nearby residential areas, but distant areas as well and especially the needs of through highway traffic.
3. Recognize the existence of retail areas which, because of the history of development in the City, are not in major commercial nodes.
4. Recognize the negative effects of strip commercial development on the flow of traffic and the general land use character of the City and implement basic necessary measures such as subdivision site planning to discourage and curb them.

C. Uses

In addition to retail and services, other uses compatible with possible surrounding developments are allowed. In the HC District, only those permitted uses and conditional uses upon approval of the Board of Adjustment as specified in Table 3, Table of Uses, are allowed.

D. Bulk Regulations

For bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, lot coverage, and setbacks for front, side, and rear yards refer to Table 4.

E. Subdivision Site Planning Required

- (1) Within the HC District, any subdivision of land shall address curb-cut or driveway numbers and location, permanent cross-access easement interconnectivity with adjoining lots, and specifications shall be made on the subdivision plat to these effects.
- (2) All new developments on already plated lots shall provide for cross-access interconnectivity with adjoining lots on the site plan.
- (3) When located adjacent to single-family residential, vehicles using the commercial site should not have a direct impact on the entrances to the residential neighborhood, but pedestrian connections should be provided.

Sec. 21. Shopping Center District (SC)

A. Character

Shopping Center District (SC) areas are medium to high intensity shopping nodes with local and/or regional market orientations. Applied to large sites along arterial roads and at major intersections, developments include a wide choice range of goods and services. Although certain uses may stand alone on individual lots, the area provides an integrated sense of multiple structures, shopping and professional experience, and tenant spaces providing a broad range of goods and services. The District may also be mixed use with commercial spaces in all or part of the ground floor and high density residential units in the upper floors.

B. Purpose

The purpose of the SC District is to:

- (1) Congregate medium to high intensity commercial trade and service uses, entertainment facilities and office uses in one area to improve shopping experiences and reduce traffic on public streets.
- (2) Provide for the development of shopping and commercial centers of integrated design of various sizes to serve the community and the region.
- (3) Discourage strip commercial development in the City.

C. Uses

In addition to retail and service uses, other compatible uses are allowed. In the SC District, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, are allowed.

D. Bulk Regulations

For bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, lot coverage, and setbacks for front, side, and rear yards refer to Table 4.

E. Location

- (1) Generally, the SC district should be located:
 - (a) At or near the intersection of arterial roads, and arterial and collector streets.
 - (b) Adjacent to other commercial uses or medium-to high density residential development.
 - (c) When located adjacent to single-family residential, vehicles using the commercial site should not have a direct impact on the entrances to the neighborhood.

F. *Site Interconnectivity*

The site design shall include pedestrian and vehicular access interconnectivity among the different lots and/or buildings in the shopping center and its surroundings.

G. *Approval Process*

(1) When the development proposal neither requires a rezoning nor involves the subdivision of the property:

(a) The developer or property owner shall submit a completed shopping center development application to the Department of Planning & Development for administrative review and approval. The complete application package shall consist of:

- (i) Completed application form and review fee.
- (ii) A complete set of civil, landscaping, photometric, and building elevation plan sheets
- (iii) A traffic study as the City Engineer may determine necessary based on existing traffic conditions in the property area and potential traffic volumes and patterns that the proposed development may create.

(2) When the application requires a rezoning of the property, but no subdivision platting is involved:

(a) The applicant shall submit a complete application package for review and report by the City's planning and engineering staff, consideration and recommendation by the Planning Commission, and final decision by the Board of Aldermen. The complete application package shall consist of:

- (i) Completed rezoning application form and review fee.
- (ii) Conceptual layout and landscaping plans of the shopping center.
- (iii) A traffic study as the City Engineer may determine necessary based on existing traffic conditions in the property area and potential traffic volumes and patterns that the proposed development may create.

(b) The approval process shall be as for the rezoning of properties as provided in Article XIV of this Ordinance.

(c) Upon approval of the rezoning and the site plan layout by the Board of Aldermen, a complete set of civil, landscaping, photometric, and building plans shall be submitted to the Planning, Building, and Engineering Departments for administrative review. Following approval of the plans, the developer may obtain a building permit and commence construction.

- (3) When the application does not require a rezoning but involves subdivision platting:
- (a) The applicant shall submit a complete application package for review and report by the City's planning and engineering staff, consideration and recommendation by the Planning Commission, and final decision by the Board of Aldermen. The complete application package shall consist of:
 - (i) Completed rezoning and subdivision application forms and review fees for both rezoning and subdivision.
 - (ii) A preliminary subdivision plat containing all data for preliminary plats as provided in the Subdivision Regulations of the City of Olive Branch, MS.
 - (iii) Conceptual layout of the shopping center showing the location of driveways, parking areas, buildings, stormwater detention basin or retention pond, perimeter and interior landscape islands, and any other site amenities that the developer may propose. A site isometric view showing building elevations is optional, though advised.
 - (iv) A traffic study as the City Engineer may determine necessary based on existing traffic conditions in the property area and potential traffic volumes and patterns that the proposed development may create.
 - (b) The approval and development process shall be the same as for major subdivisions.
- (4) When the application involves both rezoning and subdivision platting:
- (a) The applicant shall submit a complete application package for review and report by the City's planning and engineering staff, consideration and recommendation by the Planning Commission, and final decision by the Board of Aldermen. The complete application package shall consist of those items listed in Article V, Sec. 21(G)(3)(a)(i)-(iv)
 - (b) The specific shopping center application materials, the rezoning application, and the subdivision preliminary plat applications shall be considered concurrently by the Planning Commission with consideration for the staff report.
 - (c) The Planning Commission shall forward its recommendations on both the rezoning and the preliminary plat, and any specificities associated with the layout, landscaping, and building façade plans to the Board of Aldermen for a final decision.
 - (d) The Board of Aldermen shall hold a public hearing on the rezoning application and make its decision thereto, followed by a consideration of

the preliminary plat and associated specific shopping center layout, landscaping, and building elevation concepts. If the rezoning application is disapproved, the consideration of the preliminary plat shall become moot.

- (e) If the rezoning application is approved, the subsequent development process shall be as for major subdivisions.

Sec. 22. General Commercial District (GC)

A. *Character*

The General Commercial District (GC) is characterized by a mix of low to medium intensity commercial uses and low intensity light industrial uses along or close to arterial roads. Both use types have frequent vehicular truck circulation impacts for the delivery or provision of goods and services. The uses are of the sort that do not generate noise, odor, and dust.

B. *Purpose and Intent*

The purpose and intent of the GC District is to:

1. Provide for heavy vehicular impact commercial uses such as such as truck depot and wholesale merchandising in locations which are suitable and appropriate taking into consideration land uses on adjacent or nearby properties, access to a major street or highway, or other means of transportation, and the availability of public utilities.
2. Provide a zoning scheme for low to high intensity institutional uses that serve as employment areas in the City.
3. Provide a buffer or transition between industrial development and commercial or multiple family residential developments.

C. *Uses*

In addition to heavy automobile repair, contractor storage, recycling centers, and public service facilities, other compatible uses are allowed. In the GC District, only those permitted uses and conditional uses upon approval of the Board of Adjustment as specified in Table 3, Table of Uses, are allowed.

D. *Bulk Regulations*

For bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, lot coverage, and setbacks for front, side, and rear yards refer to Table 4.

Sec. 23. Old Towne District (OTD)

A. Character

The Old Towne District (OTD) is a special traditional town center district characterized by mixed uses in a historic area in which the City of Olive Branch began and has grown over the years. The focus on ground-floor is commercial, recreational, and services uses. Residential uses are allowed on upper floors or in the rear of ground level live-work units. The area's tight network of streets should emphasize walkability. High intensity of use is permitted in this district and increased building bulk is provided as a means of encouraging such development. The area is form-based and its aesthetic and historic appeal is essential to its uniqueness and attractiveness as the City's center. Form-based addresses the relationship between building facades and the public realm, and emphasizes the physical form of buildings, the mass of buildings, and the scale and type of streets as the organizing principle of the area.

B. Purpose and Intent

The purpose and intent of the OTD is to:

1. Encourage residential uses in conjunction with commercial, recreational, and other compatible activities in order to create an active street life, enhance the vitality of businesses, and reduce vehicular traffic.
2. Identify and emphasize the aesthetic, safe, mixed use, historic, and form-based character of Old Towne.
3. Protect against the destruction of, or the undesirable encroachment on, the district.
4. Encourage the revitalization of Old Towne as the City's recreational and entertainment destination by encouraging uses that will lead to its continuance, conservation, and improvement in a manner appropriate to the preservation of this unique area of the community.
5. Provide an area conducive to and safe for a high volume of pedestrian traffic while accommodating automotive-oriented uses. The OTD is intended to accommodate some automotive-oriented uses, but an emphasis shall be placed on the pedestrian and walkability.
6. Encourage orderly, staged development of mixed-use developments by providing procedures for the submission of a concept plan for an entire site and subsequent development plans for each stage of development, as identified on the concept plan.

7. Promote the adaptive reuse of older structures, and the construction of new structures in a manner that enhances the visual character and architectural scale of Old Towne for the purpose of stabilizing and improving property values, encouraging the revitalization of the area, and fostering civic pride in the beauty and accomplishments of the past.
8. Assure that new structures and uses within this district will be developed in keeping with the overall character of the district, which should be encouraged and enhanced.

C. *Uses*

In the OTD, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, are allowed. The following prohibitions are further emphasized:

1. No drive-thru facilities are allowed in the OTD unless otherwise provided for in this Ordinance.
2. No new gas stations or automotive repair facilities or garages are permitted in the OTD upon the coming into force of this Ordinance.
3. No tattoo, body piercing services, tobacco smoking and vapes shops are permitted in the OTD.
4. No Recreational Vehicle (RV) parking and services are permitted in the OTD.
5. No automobile washing establishments are permitted in this District.
6. No bulk storage or self-storage facilities are allowed in the OTD.
7. No shipping containers, except as the interior frame of a bricked or lap siding structure that meets the requirements of the Building Codes are allowed in this District.
8. No outdoor pet grooming is permitted in the OTD.
9. No unenclosed dumpsters are permitted in the OTD.
10. No gaming and gambling facilities are permitted in the OTD.

D. *Mixed Uses*

In the OTD, mixed-use development is highly encouraged, including residential uses on the second or third floors above ground floor commercial uses. Multiple principal structures on a single lot may be permitted through the site plan approval process when the Old Towne Design Review Committee (OTDRC) specifically finds that the resulting development will provide an improved design that would not otherwise be created on multiple lots. In determining whether to allow development of multiple principal structures on a single lot, the OTDRC may require:

1. Improved on-site and off-site traffic circulation for vehicles and pedestrians.
2. Building placement that provides for the concentration of service entrances, mechanical equipment, utilities and non-public facilities (i.e. enclosed refuse containers or outside storage) away from public access areas.
3. The provision of a common plaza/green area(s) to be provided in addition to all other landscaping and setback requirements as the OTDRC may deem appropriate.
4. A mix of integrated commercial and residential uses.
5. Preservation of the historic features of the OTD.

E. *Density and Bulk Regulations*

1. There shall be no minimum lot size and no minimum lot width at the building line.
2. There shall be no front, rear, or side setback requirements, except, however, that the OTDRC may require specific setback of a proposed building taking into consideration the general character of a corridor and the proposed use of spaces between buildings and the street – the use of such spaces solely for parking, devoid of recreational and civic features such as public art will be discouraged.
3. For all other density and bulk regulations, refer to Table 4.

F. *General Principles for New Development and Alterations*

In view of the revitalization of Old Towne, the following general principles and standards shall apply to all new development, building expansions, demolitions, and exterior surface alterations within the OTD:

1. New and existing development should have a complementary character, except, however, that the replacement of all or a portion of existing metal buildings with other façade materials such as brick and stone should be encouraged, and the construction of new metal buildings is prohibited.
2. Without prejudice to the prohibition of metal buildings, buildings should complement the pattern of the existing building fabric, with brick buildings strongly encouraged, and relate to their site and surroundings.
3. Buildings should be designed to encourage walkability in the district, visual access at street level, and active uses at the ground floor. In this regard, walls at ground floor of buildings that adjoin sidewalks shall have at least 30% see-thru glass.
4. Texture and variety should be provided through façade articulation and composition.
5. Alterations should broadly follow the existing building architecture, except, however, that the complete replacement of metal buildings with masonry materials such as brick and glass products is encouraged.
6. Pedestrian pathways should be provided that are safe and attractive and that accommodate a relatively high volume of pedestrian traffic.
7. Although there are no stipulated minimum parking requirements for development in the OTD, the developer of a new development shall justify the provision of adequate parking spaces to the OTDRC. Shared parking is encouraged.
8. Small town plazas and other open recreational and outdoor dining spaces should be encouraged and enhanced to foster the vitality and vibrancy of the OTD.
9. Eating establishments may have an outdoor service area that is accessory to the main restaurant function. The outdoor service area must be a defined space, designed and serviced to prevent wind-blown debris. Patrons may gain entrance through the main entrance to the restaurant, but at least one additional exit must be provided for fire safety purposes. Such outdoor service areas must be located on private property and may not obstruct any public sidewalk. The square footage of the outdoor service area shall be incorporated in the overall gross square footage of the use for consideration of the off-street parking requirement.

G. *Approval Process for New Developments and Alterations*

- (1) New developments, and the expansion, demolition, or alteration of the exterior facades of existing buildings shall require the submission of existing conditions, civil, landscaping, photometric, and building architectural elevation plans associated with the scope of the development to the OTDRC for review and approval.
- (2) The plans, which must be drawn to scale by the appropriate licensed professional, shall conform to the stipulations of the Design Review Ordinance, except, however, that the stipulations of this Article V, Sec. 23 of the Zoning Ordinance shall govern where its provisions may contradict those of the Design Review Ordinance.

H. *Signs*

1. General Requirements: All signs in the OTD shall comply with the requirements of Article VIII, Sign Regulations, except as modified or specified in Article V, Sec.23(H)(2) below.
2. Specific Requirements and Design Principles for Signs in the OTD
 - (a) Total Signage Allowed: The total square footage of all signs of any type allowed on the property shall not exceed one and one-half square feet per foot of lineal building frontage. The frontage shall be determined by the principal entrance to the premises and shall be based upon only that one side of the building.
 - (b) The size, color, shape, and location of a sign should complement the building façade. Building elements such as windows, cornices or decorative details should not be obscured.
 - (c) Sign materials should be chosen which harmonize with and complement the building's design.
 - (d) Plastic cabinet signs are prohibited. Halo lighting may be used.
 - (e) Individual storefront signs should be compatible with the other storefronts within the same building in terms of design, size and placement along the building.
 - (f) Temporary window signs, such as special sales signs, should not conflict with the color scheme of the storefront or building and require a temporary permit from the City.

(g) A minimum 3ft wide of any and every sidewalk must be left unobstructed where the placement of signs along a sidewalk is approved by the Director of Planning & Development or designee, or the OTDRC as the case may be.

(h) Wall Signs:

(i) Number: Any number of wall signs may be permitted, provided that the total area of any one wall sign shall not exceed the maximum square footage allowed for wall signs referenced in the subsection (ii), "area," below.

(ii) Area: The maximum area of an individual wall sign shall be 50 square feet, or one square foot for each lineal foot of building wall or lease space on which the sign is erected, whichever results in the lesser amount. Lettering or other graphics on a window is considered a sign and shall be computed by measuring the overall width of the sign and multiplying it by the overall height of the sign.

(iii) Height: Such signs shall not extend above the roof line or the eave of the building. A sign shall not be positioned on the roof surface of a building, irrespective of the height of the parapet wall, eave, etc.

(iv) Projections: Wall signs shall not project more than 12 inches from the face of the building

(i) Projecting Signs:

(i) Number: There shall be not more than one projecting sign per building.

(ii) Area: The maximum area of a projecting sign shall be 20 square feet in size.

(iii) Height: Projecting signs shall not extend vertically beyond the window sill of the second story or, in the case of single-story building, the roof line as defined by this ordinance, or the eave of the building.

(iv) Projection: Projecting signs shall project no more than four feet from the face of the building. Such signs shall be pinned away from the face of the building at least six inches. Projecting signs shall project from the face of the building at an angle of 90 degrees. Angular projection from the face or corner of the building is prohibited.

- (v) Construction specifications: Projecting signs shall be constructed as an integral design element of the building. The design of the proposed sign shall conform to and complement the architectural design of the building. All connecting and support elements shall be enclosed. Exposed brackets, guy wires, chains, and other connecting and support elements are prohibited.
- (j) Freestanding signs (ground-mounted, directory)
 - (i) Number: One per property, where a location authorized by this ordinance exists, and subject to site plan review by the Old Towne Design Review Committee.
 - (ii) Area: The maximum area of a freestanding sign shall be 50 square feet per face.
 - (iii) Height: No more than 12ft in height.
 - (iv) Setback: Such signs shall be located a minimum of ten feet from the street right-of-way. This setback requirement may be reduced if the height of the proposed sign does not exceed six feet in height.
 - (v) Style: Only monument style free standing signs are permitted.
- (k) Temporary Construction Signs: Signs identifying lenders, architects, engineers, mechanics, painters, and similar artisans and workmen.
 - (i) Area: The sign area for one face shall not exceed a total of 25 square feet, and in no case shall the total sign area exceed 50 square feet.
 - (ii) Setback: Such signs shall be setback a minimum of ten feet from the street right-of-way. This setback requirement may be reduced to one foot from the street right-of-way, if the height of the proposed sign does not exceed three feet in height.
 - (iii) Height: A maximum of six feet as measured from the surrounding grade.
 - (iv) Removal: All such signs shall be removed within either one year from the date of the issuance of the sign permit, or when the project has received an approved final inspection, whichever is less.
- (l) Billboards are prohibited in the OTD.

(m) Special Use:

(i) Automobile and truck service stations—Convenience stores with gasoline pumps, allowable signs: The use of portable signs is specifically prohibited, except for "A" frame signs no greater than 5 square feet in size and 3 feet in height, which must be removed at the time of closing and cannot be placed in a location to create a pedestrian or traffic hazard. The use of the gasoline pumps, "pump toppers," or extensions of the pump structure for signage purposes is specifically prohibited.

(ii) Non-LED "Rope Lights": Christmas string lights, or any other similar type of non-LED stringed lights may be used on commercial and industrial buildings for decorative purposes only during the period from November 15, through January 2nd of each year and shall be removed by the owner, agent, or person having beneficial use of the premises or lot within ten (10) days following written notice by the administrative official or his designee. In recognition that special lighting can contribute to the ambiance and character of Old Towne, the Old Towne Design Review Committee may approve additional exceptions.

(n) Special displays and other temporary signs: A permit for the following temporary signs may be approved or granted by the administrative official for up to a 30-day period per calendar year. Such signs may be extended for no more than an additional 30-day period, but only upon review and approval of the Old Towne Design Review Committee.

(i) Portable signs, banners, and pennants.

(ii) Signs announcing "grand openings," one time only per individual business.

(iii) Seasonal or special occasion signs, recognized town events, charitable events and projects, and holidays.

(o) Approval of Signs:

(i) Except where expressly stipulated, signs that meet the above provisions of this section may be approved administratively by the Director of Planning & Development or designee, who shall subsequently describe same to the OTDRC at their next meeting for inclusion in the minutes.

(ii) Signs that do not meet the above provisions of this section may only be approved by the OTDRC. Where there is lack of clarity on the applicability of any provisions of this section, or where the applicant and the administrative official disagree on the applicability of any stipulation of this OTD signs requirements, the applicant may request consideration of the matter by the OTDRC.

I. *Old Towne Design Review Committee, established:*

There is hereby established the Old Towne Design Review Committee (“committee”), which shall have the structure, powers and functions as hereinafter provided.

- (1) Appointment: The committee shall consist of seven members, which shall be appointed by the mayor and board of aldermen for a term of four years to run concurrently with the term of the appointing board. Vacancies shall be filled by the board of aldermen for the unexpired term of any member. All members shall serve without compensation, and a member may be removed at any time at the discretion of the board of aldermen.
- (2) Officers: The members of the committee shall elect a chairman and a vice-chairman for a term of office of four years.
- (3) Meetings and voting: Meetings of the committee shall be at the call of the chairman and at such other times as the committee shall determine. All meetings of the committee shall be open to the public. The committee shall keep minutes of its proceedings, showing the vote of each member upon the question, or if absent or failing to vote, indicating that fact. The committee shall keep records of its examinations and other official actions, all of which shall be immediately filed in the committee office and shall be of public record.
- (4) Rules of procedure: The committee shall conduct business in accordance with this ordinance and the Mississippi Open Meetings Act.
- (5) Matters requiring committee approval: Committee approval shall be required for the following types of development within the Old Towne District:
 - (a) The construction, reconstruction, alteration, rehabilitation, repair, moving or demolition of structures within the OTD.
 - (b) Fences, signs that do not conform to the stipulations of Art. V, Sec.23H, landscaping, or parking areas, both new construction or a change or alteration in the existing. Where a uniform sign design has been established

for a multi-tenant building or group of buildings, the committee may delegate approval authority to staff.

- J. Design review guidelines: The Old Town Design Review Committee may recommend design guidelines which are to be utilized by an applicant when preparing a development plan, and by the committee when reviewing a development plan. Such design guidelines may be proposed to the Mayor and Board of Alderman for adoption and incorporation herein by reference.

Sec. 24. Light Industrial District (LI)

A. Character

The Light Industrial District (LI) is characterized by medium and high intensity uses that involve the processing, fabrication, assembly, and storage of primarily finished materials. Materials and operations are generally confined to the interior of buildings and pose limited environmental impact in terms of noise, odors, vibration, heat, glare, hazardous waste, and other health and safety objectionable materials and risk. They are located on large sites adjacent to other industrial and commercial uses, along or in close proximity to railways, the airport, and major thoroughfares or arterial and collector roads, especially those classified by the City as truck routes. Developments are auto-accommodating with sufficient and clearly defined parking and loading areas. Residential uses of any kind are strictly prohibited in this District except watchmen or caretaker residence.

B. Purpose and Intent

The purpose and intent of the LI District is to:

1. Provide areas for a wide variety of light manufacturing establishments including assembling, packaging, storage, and distributing activities.
2. Accommodate a diverse range of light industrial and office activities that may serve as a transitional buffer between heavy industrial areas and commercial, residential, and/or sensitive land uses.
3. Position certain employment centers with minimal impact on residential living, close to residential concentrations in an effort to reduce traffic congestion on streets and add to public convenience by allowing places of work in close proximity to places of residence.

C. Uses

In addition to such uses as wholesale establishments, service industries, and light industries that manufacture, process, store and distribute goods and materials, and are, in general, dependent on raw materials refined elsewhere, other compatible uses are allowed. In the LI District, only those permitted uses, and

conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, may be allowed.

D. *Bulk Regulations*

For bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, lot coverage, and setbacks for front, side, and rear yards refer to Table 4.

Sec. 25. Heavy Industrial District (HI)

A. *Character*

The Heavy Industrial District (HI) is characterized by medium and high intensity uses that involve the manufacture, fabrication, assembly, or processing of raw and/or finished materials. Such uses often generate noise, odors, vibration, heat, glare, hazardous waste, and other health and safety risk. Development standards, however, are designed to limit these objectionable impacts to safeguard public safety, health, and general welfare. Sites should not be located near residential developments. Residential uses of any kind are strictly prohibited in this District except caretaker residence. The district is located to be accessible to highways and where practicable, railroads.

B. *Purpose and Intent*

The purpose and intent of the HI district is to:

1. Provide for all types of industrial activities except that those potentially hazardous would be permitted only after review by the Board of Adjustment and assurance of the protection of public interest and surrounding persons and property.
2. Accommodate opportunities in the extractive industries for the economic development of the City to the extent that the extractive activities would not pose a danger to public health, safety, and general welfare as may be determined by the Board of Adjustment.

C. *Uses*

In addition to such uses as light industries that store and distribute goods and materials, the manufacturing and processing of chemicals, clay, stone, and glass products, food and beverage, metals and metal products, wood and paper products, and other similar uses may be allowed. In the HI District, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 4, Table of Uses, may be allowed.

D. *Bulk Regulations*

For bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, lot coverage, and setbacks for front, side, and rear yards refer to Table 4.

Sec. 26. Flexible Commercial Development District (FCD)

A. *Character*

The Flexible Commercial Development District (FCD) applies to large tracts of land suitable for commercial development, but which on account of their location, accessibility conditions, surrounding uses, and natural features have been pre-determined by the Board of Aldermen to be most appropriate for flexible development standards. The property would be planned, developed, operated, and maintained as a holistic entity containing one or more lots and structures to accommodate commercial areas and uses incidental to the dominant use.

B. *Purpose and Intent*

The purpose and intent of the FCD is to:

1. Provide a mechanism for achieving a greater flexibility in the development of certain lands for commercial purposes, not otherwise possible in conventional commercial zoning districts.
2. Provide for modern, attractive, and efficient retail shopping facilities in which such planned commercial developments may be designed, developed, and operated to serve areas ranging from a neighborhood to an entire urban area.
3. To limit the cost of administering many planned development regulations in a mid-size municipality as the City of Olive Branch.

C. *Creation*

1. It is the intent of the City of Olive Branch to limit the proliferation of planned developments in the City.
2. Properties designated FCD must meet all of the following criteria:
 - (a) Be located along an arterial thoroughfare.
 - (b) Be at least five (5) acres in size.
 - (c) Have restrictive environmental natural feature(s) such as a lake within it, or be located in close proximity to uses with high externality cost such as hazardous waste facilities and landfills pose health hazards and poor aesthetics.

D. *Uses*

Only uses that may be allowed as permitted uses or conditional uses in the HC and/or GC Base zoning districts may be permitted in the FCD to the extent that the Planning Commission recommends and the Board of Aldermen determines that the choice of uses and their proposed location on the property will create a harmonious integrated site, provide a smooth transition between and among the uses as laid out in a master plan of the property, and foster land use compatibility with surrounding developments. The Planning Commission may recommend, and the Board of Aldermen may require that one or more proposed uses be excluded from the district.

E. *Minimum Development Standards*

1. Bulk and Yard Requirements: Bulk and yard requirements of the HC, Highway Commercial District shall apply in the FCD, with the following exceptions:
 - (a) On a lot abutting a residential district, a minimum building setback line of 50 feet shall be required along all property lines adjacent to that residential district.
 - (b) Buildings may be erected to five stories or 60 feet provided that any building that exceeds 35 feet in height shall be setback from all required setback lines one foot for each foot the building exceeds 35 feet in height.
2. Parking: In order to provide for modern shopping and office centers of integrated design, off-street parking and loading requirements will be in accordance with Article XI, required off-street parking and loading, with the following exceptions:
 - (a) Multi-tenant centers: For multi-tenant centers, off-street parking shall be provided on the basis of one parking space for every 200 square feet of gross floor area.
 - (b) Shared parking: Off-street parking facilities may be shared between two or more adjacent properties subject to:
 - (i) The recording of appropriate shared parking agreements between the property-owners securing the shared parking arrangement in perpetuity.
 - (ii) Submission of a copy of the recorded agreement to the planning and building department for inclusion in the planned development file, reflecting the chancery clerk's stamp as to book and page.

- (iii) Approval of the shared parking agreement by the Planning Commission and the board of aldermen as an element of the planned development's original project text, or as an amendment to that project text.
 - (iv) Following approval of a shared parking arrangement between adjacent properties, application of the standard parking requirements shall be applied to the total parking area encompassed by the shared parking agreement.
3. Subdivision regulations/Design Review ordinance: Unless otherwise provided for in this section or approved by the Board of Aldermen, provisions of the Subdivision Regulations and the Design Review Ordinance shall apply to all developments in the FCD.
 4. Signs: Signage requirements within the classified FCD shall conform to the requirements of Appendix B of the Design Review Ordinance, Recommended Sign Guidelines, subject to free standing signs being monument in style and no more than 12 ft. in height.
 5. Buffering and screening: Buffering and screening shall conform to the requirements of the Design Review Ordinance.
 6. Open storage: No open storage will be permitted within planned commercial districts.

F. *Development Approval Process*

- (1) Approval(s) for the development of properties that are zoned FCD shall be as stipulated in Article V, Sec.28(P), "Procedures for Planned Development Approval" for approval of a rezoning and associated new FCD Plan, and Article V, Sec.28(S), "Modifications and/or Amendment" for approval of FCD Plan amendment.
- (2) Upon approval of the rezoning of the property and associated project narrative text and master plan, the property shall be classified as a Planned Development (PD) District.

Sec. 27. Public - Institutional District (P-I)

A. *Character*

The Public – Institutional District (P-I) is characterized by medium-to high intensity public and/or semi-public uses and institutions. The area is dominated by institutional, academic, governmental, and community uses, including private

hospitals and cemeteries. Factors including land area, technological processes, comprehensive facility planning, capital improvements, and compatibility with surrounding land uses are considered when developing public and semi-public facilities. Sidewalks, open spaces and amenities enhance the vitality of the area.

B. *Purpose and Intent*

The purpose and intent of the P-I District is to:

1. Align the public, semi-public and institutional use of property with the purposes and polices of the Comprehensive Plan.
2. Recognize that public and semi-public facilities and institutions provide necessary services to the community and have their own unique set of circumstances.
3. Promote compatibility between the public, semi-public, and institutional use of property with the surrounding districts and land uses.

C. *Uses*

In addition to governmental public services, other semi-public uses compatible with medium to high intensity development are allowed. In the P-I District, only those permitted uses, and conditional uses upon approval of the Board of Adjustment, as specified in Table 3, Table of Uses, are allowed.

D. *Density and Bulk Regulations*

For bulk regulations that include minimum lot area, minimum lot width at the building line, maximum height, lot coverage, and setbacks for front, side, and rear yards refer to Table 4.

Sec. 28. Planned Development District (PD)

A. *Character*

The Planned Development District (PD) is characterized by medium-to high density and intensity developments for which the Mayor and Board of Aldermen has approved a development project text and master layout plan. The property is developed through a unified design that provides continuity between the various elements and ultimately leads to a better development and environment that is enhanced by exceptional quality and amenities in return for greater flexibility in site design.

B. *Purpose and Intent*

The purpose and intent of the PD District is to achieve the following in return for greater flexibility in site design requirements:

1. Encourage and facilitate the development of well-planned residential, commercial, and industrial development projects in those specially designated areas through appropriate and well-designed diversification of permitted uses, conditional uses, general development standards, public and private buildings and facilities, signs, accessory structures, landscaping, architectural character, and open spaces.
2. Facilitate a development pattern that is more in harmony with the policies and objectives of the Comprehensive Plan
3. Permit flexibility in development design and/or combination of uses that will result in more efficient and desirable layout and uses of land, and the provision of roads, utilities, and other infrastructure.
4. Encourage creativity in design to produce a development that would be better than possible under one of the base zoning districts.
5. Facilitate development adaptations to meet anticipated market demands and/or better utilize sites with special features such as environmentally sensitive areas or unusual shape or sized properties.
6. Increase the amount of open space and protect natural areas including environmentally sensitive areas.
7. Provide exceptional open space amenities.
8. Produce innovative developments that implement the policies and intent of the Comprehensive Plan, Zoning Code, Subdivision Regulations, Flood Damage Prevention Ordinance, Design Review Ordinance, and other applicable city land use regulations.
9. Assure compatibility with surrounding land uses and neighborhood character.

C. *Requirements for Qualification as a Planned Development*

To qualify for a Planned Development District zoning classification, the entire land area of the development must be not less than five (5) acres , except as provided in Article V, Sec. 28(D) below, and meet one or more of the following three specific requirements relating to clustered conservation development, mixed use development, and/or integrated commercial suburb development:

1. The project qualifies as a conservation design development by incorporating a cluster design pattern that concentrates buildings in specific areas on a site to

allow a significantly large area of the remaining land, at least 30%, to be used for recreation, common open space, and environmentally sensitive areas preserved in undeveloped or natural conditions. A pedestrian circulation system must be provided to intentionally integrate the open space as usable space in the development.

2. The project qualifies as a mixed use planned development by meeting all the following conditions:
 - (a) Involving a mixture of at least two of the following: residential, commercial, or institutional uses; and
 - (b) Having at least one center and an edge. Centers are where the mix of uses within the same buildings are concentrated. Centers are not necessarily located in the middle of the development but are designed to foster integration of land uses and sited to maximize accessibility thereto by residents of the PD and intended users. Generally, the center should have higher density than the edge.
3. The project qualifies as a Commercial Suburb by meeting all of the following:
 - (a) Consists of shopping centers, strip centers, super centers, malls, and other combined commercial projects totaling more than 50,000 square feet, including outparcels; and
 - (b) Assimilates various uses on a unified street system with pedestrian linkages capable of continued evolution, and displaying a design integrity specifically created to appeal to and attract people; and
 - (c) includes excellence in the architecture of structures, unified scale and proportionality shared by buildings, public art, lighting standards, streets and parking lots, the use of window displays, and convenience of parking relative to sidewalks; and
 - (d) Accommodates automobile traffic but does not allow it to dominate the land use patterns or design quality.

D. *Minimum Size Requirements*

The minimum required site acreage for a planned development shall be five (5) acres, unless the applicant proves, and the Mayor and Board of Aldermen finds that one or more of the following conditions exist:

1. That an unusual physical or topographic feature of importance to the area as a whole exists on the site or in the surrounding area that will contribute to and be protected by the planned development;

2. That the property or the surrounding area has a historic character of importance to the community that will be protected by the planned development;
3. That the proposed planned development is adjacent to a previously approved planned development and will be connected to the existing PD in a way that would contribute to the amenities and values of the neighboring planned development;
4. That the planned development is located in an area being redeveloped and will facilitate and contribute to the implementation of the policies of a City adopted plan; or
5. That due to additional screening, buffering, transitional uses or other design features, the proposed planned development would provide better protection to existing or proposed uses of surrounding property that would otherwise not be provided by a conventional development under one or more of the base zoning districts.

E. *Relationship between Planned Development and Base Zoning Districts*

1. Each PD zoning district created under this section should be used in combination with one (1) or more of the base zoning districts that are provided for in Article V, Sec. 3 of this Zoning Ordinance, unless the base zoning districts are otherwise modified in the project text of the PD. Such modifications are generally discouraged and the applicant shall have the burden of proof as to why such modification is absolutely necessary.
2. The permitted uses, conditional uses, screening and landscaping requirements, performance standards, yard requirements, lot sizes, structure heights, signs, and off-street parking and loading facilities' requirements for lands within a PD zoning district are those authorized or required by the "base zoning district" unless they are modified by ordinance enacted by the Board of Aldermen in connection with the adoption or amendment of the PD plan for the district.

F. *Modification of Base Zoning Districts Regulations*

Planned developments may be constructed subject to the standards and procedures set forth below:

1. A planned development shall be governed by the project text and master plan approved by the Board of Aldermen, unless said Governing Authority modifies its provisions.

2. PD Plan approval for the planned development may provide for such exceptions from the base zoning district regulations governing use, area, setback, loading, width and other bulk regulations, parking, other design features and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a planned development; provided, however, no modification of the underlying base zoning district requirements or subdivision regulations may be allowed when such proposed modification will result in:
 - (a) Inadequate or unsafe access to the planned development;
 - (b) Traffic volume exceeding the anticipated capacity of the proposed major street network in the vicinity;
 - (c) An undue burden on public parks, recreation areas, schools, fire and police protection and lack of central water and sewer facilities, which serve or are proposed to serve the planned development;
 - (d) An undue detrimental effect upon surrounding properties;
 - (e) A development which will be incompatible with the purposes of this section and goals of the Comprehensive Plan and other applicable regulations and guidelines.
3. Such modifications shall supersede any conflicting subdivision regulations and zoning district restrictions in which the planned development is located; provided, however, in no case shall the uses, the maximum bulk requirements, densities be varied, except as provided in this section. All setbacks abutting private properties along the planned development shall not be less than those allowed in the underlying base zoning district unless specifically provided for in approved PD Plan. In the absence of such an express condition of the planned development, the applicable ordinances and regulations of the City will apply.

G. Coordination with and Applicability of the Subdivision Regulations

1. The uniqueness of each proposal for a planned development requires that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards be subject to modification from the specifications established in the subdivision regulations adopted by the Board of Aldermen. Modifications to such specifications may be approved only after review and recommendation by the City Engineer to the Planning Commission,

review by the Planning Commission and recommendation to the Board of Aldermen, and approval of the Mayor and Board of Aldermen.

2. It is the intent of this section that subdivision review and approval under the subdivision regulations be carried out simultaneously with the review of a planned development under this section of the Zoning Ordinance; except, however, that for a multiple phase project, the applicant shall submit a preliminary subdivision plat for each phase after approval of the PD Plan.
3. The development construction plans for planned developments must be submitted in a form consistent with the requirements of the subdivision regulations.

H. *General Standards*

1. The Mayor and Board of Aldermen may approve a PD by approving a PD Plan upon findings and recommendations by the Planning Commission, which shall be forwarded to the Mayor and Board of Aldermen pursuant to the provisions contained in this section.
2. The following general design and review criteria shall be utilized in evaluating requests and establishing conditions for a planned development:
 - (a) *Adequacy of land area.* The adequacy of the size of the area to be included in the proposed zone to accommodate the contemplated developments. In general, tract sizes shall be at least 5 ac and be adequate for the provision of all necessary infrastructure to support the proposed use(s).
 - (b) *Consistency with Comprehensive and Other City plans.* The proposed planned development must be consistent with the adopted Comprehensive Plan and any adopted applicable Area Plan for the City.
 - (c) *Exceptions due to substantially changed or changing conditions.* If not in conformance with the adopted Comprehensive Plan and an adopted applicable Area Plan, the proposed planned development shall be necessary because of substantially changed or changing conditions in the area or surrounding properties.
 - (d) *Physical characteristics of the site; relation to surrounding property.* The tract shall be suitable, or it shall be possible to make the tract suitable for development in the manner proposed without hazard to persons or property, on or off the tract, free from the probability of erosion, subsidence, flood hazard, destruction of wetlands or other dangers. Conditions of soil,

drainage, and topography shall all be appropriate to both type and pattern of use intended.

- (e) *Relation to public utilities, facilities and services.* A planned development shall be so located in relation to transportation systems, sanitary sewers, emergency services, public safety, water lines, storm and surface drainage systems, and other utilities systems and installations that services can reasonably be expected to be available at the time of development and such services are adequate to serve the proposed development.
- (f) *Safe and Accessible Vehicular, Bicyclists, and Pedestrian Transportation.* A planned development:
 - (i) Where appropriate because of the size or intensity of the proposed development, shall be so located with respect to major thoroughfares or arterial and collector streets or other sufficient transportation facilities, and shall be so designed, as to provide safe access to and from such districts without creating excessive traffic along local streets in residential neighborhoods outside the development.
 - (ii) The street design of any PD should include a clearly defined hierarchical street system and all streets, whether intended to be dedicated for public use or privately owned, should be designed to public street standards. Streets, drives, parking and service areas must provide a safe and convenient access to dwelling units and project facilities and for service and emergency vehicles. Streets will not be laid out as to encourage outside traffic to traverse the development on minor streets or occupy more land than is required to provide access as needed or create unnecessary fragmentation of the development into small tracts.
 - (iii) Vehicular access to other streets from off-street parking and service areas shall be combined, limited, located, designed and controlled as to channel traffic to and from such areas conveniently, safely and in a manner which minimizes marginal traffic friction and promotes free traffic flow on streets without excessive interruptions.
 - (iv) Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within PDs shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

- (v) Cross sections for all proposed streets, whether public or private, shall be included in the PD Plan, and all streets shall be labelled as to whether they are intended to be public or private.
 - (vi) Access for pedestrians and bicyclists shall be arranged to provide safe, convenient routes and need not be limited to the vehicular access points. To the maximum extent feasible, plans for proposed developments shall separate movement of pedestrians from movement of vehicles and bicycles, and protect bicyclists from conflicts with vehicles.
 - (vii) Where complete separation of movement of pedestrians from movement of vehicles and bicycles is not possible, plans shall minimize potential hazards by using special paving, grade separations, pavement parking, signs, striping, bollards, median refuge areas, traffic calming features, landscaping, lighting, or other means to clearly delineate pedestrian areas for both day and night use.
 - (viii) Where pedestrians and bicyclists share walkways, the pedestrian/bicycle system shall be designed to be wide enough to accommodate anticipated pedestrian and bicycle traffic volumes. A shared walkway shall have a minimum width of eight feet. In areas or on shared walkway segments with heavy use, the width should be increased to a minimum of ten feet.
- (g) *Compatibility.* Any planned development shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as land use, traffic, noise, or lights. Project control shall be accomplished through buffering, architectural design, architectural compatibility, site design, height limitations, land use restrictions, and density or intensity limitations.
- (i) The design of any planned development should reflect an effort by the developer to plan land uses within the planned development so as to blend harmoniously with adjacent land uses.
 - (ii) Architecture and building materials shall be consistent within the design of the development and compatible with surrounding properties and/or adjacent neighborhoods.
- (h) *Transitions.* Any planned development district shall be responsive to the character of surrounding properties and the existing neighborhood area.

When located in an area where land use types and/or intensities or densities vary, the planned development shall be designed in such a manner as to provide for gradual changes in intensity and/or density. When gradual changes are not practical, wide buffers shall be incorporated by using preserved natural vegetation, or planted berms, or some combination of plantings and fencing.

- (i) *Relationship to adjacent property.* The PD Plan shall include enough information on land areas adjacent to the proposed PD to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of landscape. The planned development shall include additional screening, buffering, transitional uses or other design features as necessary to adequately protect existing or proposed uses of surrounding property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.
- (j) *Privacy and screening.* Fences or vegetative screening at the periphery of a planned development shall be provided to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of surrounding areas from similar adverse influences. When adjacent development is of either similar use or intensity, such screening may be minimized.
- (k) *Natural and historic features, conservation and preservation areas.* Planned Development districts shall be designed to preserve the natural features of the land and historic resources, such as existing trees, natural topography, and archaeological and historic sites, as much as possible.
- (l) *Common Open Space and Amenities.* Planned Development districts shall be designed to:
 - (i) Meet common open space requirements as provided in this section; and
 - (ii) Where residential uses are proposed, provide at least two amenities for use by residents and/or the public.
- (m) *Density/Intensity.* Density and/or intensity should follow the recommendations of the Comprehensive Plan but shall not exceed the maximums established in Article V Sec. 28(L)(2), Article V Sec.28(N)(3), and the maximum lot coverage provisions as stipulated in Table 4. The planned

development densities/intensities shall be established considering the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design.

- (n) *Height*. Height in a planned development shall be determined after review of the nature of surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.
- (o) *Environmental Conservation*. Planned development districts shall provide environmental enhancements. Such designs may include, but not limited to biophilic designs.
- (p) *Infrastructure Construction and Maintenance Responsibility*. All improvements are to be installed by the developer unless other arrangements approved by the governing authority are made. All common open space and improvements are to be maintained by the developer, homeowners or property owners association or some other responsible party, unless conveyed to and accepted as public by the Board of Aldermen at its discretion.
- (q) *Necessity*. To avoid the unnecessary creation and proliferation of planned developments, consideration shall be given to whether the land use proposed could be achieved without the proposed planned development district. It shall be the responsibility of the applicant to justify to the City of Olive Branch the necessity for the planned development as opposed to developing the property under one or more of the base districts.
- (r) *Public Benefit*. Whether the proposed planned development grants benefits to the public that would not otherwise be provided under a conventional base zoning district development, including the utilization of “Amenity Incentives in the Residential Districts” provisions contained in Article VI of this Zoning Ordinance. A development shall provide demonstrable public benefits, including at least two of the following:
 - (i) The project, being in conformity with the policies of the Comprehensive Plan, satisfies a demonstrated housing need in the City.
 - (ii) Project involves the voluntary undergrounding of existing above ground utilities where such undergrounding would not otherwise be required.

- (iii) The project creates a park or trail system improvement not otherwise required by city development regulations that furthers the goals and objectives of an adopted city parks, recreation, trails, and/or open space plan.
 - (iv) The project design demonstrates a superior level of protection and/or enhancement for elements of the environment, including: air quality, water quality, natural topography, native vegetation, etc. For purposes of this category, superior level of protection and/or enhancement includes incorporation of additional protections and/or restoration projects that enhance protection of or restore critical functions and values of the environmental element.
 - (v) Project design includes non-motorized transportation features and amenities not otherwise required by the city development regulations.
 - (vi) Project improves the public street(s) in the vicinity of the project site using a multi-modal street design to provide accommodation for pedestrians, bicyclists, and persons of all abilities, where such improvements are not otherwise required by city development regulations.
 - (vii) The development provides public art and cultural amenities that reinforce the community's identity and character and has a long-term maintenance plan and agreement acceptable to the city.
 - (viii) Project demonstrates a high degree of innovation by providing one or more design features not otherwise required by city development regulations that promote(s) sustainability, energy/water conservation or efficiency, community cohesion, neighborhood safety, adaptive reuse of existing development, or enhanced transportation circulation/mobility.
- (s) *Self-Sufficiency of Each Phase.* Whether each phase of the proposed development, as it is planned to be completed, contains adequate parking spaces, recreation spaces, open spaces, and landscaping necessary for creating and sustaining a desired and stable environment as though future phases would not exist, while assuring, however, that each future phase will build upon and enhance earlier phases, avoid gaps in the development, and be integrated with such earlier phases to create a unified and integral development.

I. *Common Open Space*

The requirements of common open space and public facilities in planned developments shall be in accordance with the provisions of this section.

1. At least 15% of the gross site acreage shall be comprised of common open space usable for recreational purpose or must provide visual, aesthetic environmental amenities.
2. Of the gross site acreage, 8% of residential, mixed-use, or seniors housing planned developments and 3% of commercial planned developments shall be designed as usable open space. Usable open space may be waived in industrial planned developments. This is a separate requirement from the minimum pervious area or the common open space requirements; however, usable open space can be counted towards those requirements.
 - (a) To be eligible for meeting the usable open space requirement, each individual usable open space in a nonresidential or mixed-use development shall have an area of at least 2,500 square feet. Each individual usable open space in a residential development shall have an area of at least 5,000 square feet.
 - (b) Usable open spaces must be clearly delineated on plans submitted to the City for review and calculations must be provided separately from the minimum pervious area. To be considered “usable” open space, the portion(s) of the site must be classified as either active recreational areas or formally planned areas.
 - (c) The following are not appropriate to be considered as “usable” open space unless they support passive recreation uses by providing access, gentle slopes of no steeper than three-to-one and include pedestrian elements such as walkways and benches:
 - (i) Natural hazard areas such as floodplains, floodways, slopes exceeding 14%, and areas with soils unsuited to development;
 - (ii) Wetlands, drainage canals, lakes, ponds, and streams or creeks;
 - (iii) Prime agricultural lands, including existing pastures (in use or otherwise);
 - (iv) Woodland forests, natural fields, and meadows;
 - (v) Wildlife habitat areas for threatened and endangered species;

- (vi) Cultural resources such as graveyards or other archaeologically significant areas
 - (vii) Certain stormwater management devices. Up to one-half of the land area occupied by stormwater management systems, including retention ponds and/or detention basins, and other bio-retention devices may be counted as usable open space when such features are treated as a recreational site amenity.
3. No common open space of a planned residential development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the Mayor and Board of Aldermen has determined at final plat approval that the tract, by its character and quality, is suitable for the purpose for which it was intended. The Mayor and Board of Aldermen may give consideration to the size and character of the dwellings to be constructed within a planned residential development, the topography and existing trees, the ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes and the existence of public parks or other public recreational facilities in the vicinity.
4. All land shown on a plan as common open space may be either:
- (a) Freely conveyed by the developer to a public body, if the public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or
 - (b) Conveyed to an organization for ownership and maintenance subject to the following:
 - (i) The Planning Commission and the Mayor and Board of Aldermen may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise, (except to an organization conceived and established to own and maintain the common open space).
 - (ii) At the recording of the plat, the developer shall, concurrently, transfer the ownership of all common elements to the homeowners association or property owners association as may be applicable.

(c) If the common open space is deeded to a Homeowners' and/or Property Owners' Association, the developer shall file with the Planning & Development Department a declaration of covenants and restrictions that will govern the association to be submitted with the application for final subdivision plat. The City Attorney will review the documentation as to form prior to Planning Commission approval. The provisions shall include, but not be limited to the following:

- (i) The Association must be set up before the final plat is recorded and the lots are sold;
- (ii) Membership must be mandatory for each buyer and any successive buyer;
- (iii) The open space restrictions must be permanent, not just for a period of years;
- (iv) The Association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities;
- (v) Homeowners/property owners must pay their prorated share of the cost of the assessment levied by the association to meet changed needs.

5. Land dedication

The Mayor and Board of Aldermen may, as a condition of approval, require that suitable areas for streets, public rights-of-way, and utilities be set aside, improved and/or dedicated for public use.

6. Transfer of Development Rights:

As an alternative to dedication of open space within a planned residential development, the applicant may propose to donate land to the City in an area outside of the proposed development. The area of the alternative land proposed for donation shall be at least as much as that amount of land which would otherwise be dedicated as common open space within the development. Alternative property donated in lieu of required common open space shall be freely accessible, and shall be topographically suitable for public use. The applicant shall submit his request to donate alternative land in lieu of the dedication of common open space to the Planning Commission and the Board of Aldermen with the submission of the preliminary development plan. In no case, shall any alternative land proposed for donation to the City in lieu of common open space dedication be located within the 100-year floodplain as designated by the Federal Emergency Management Agency, upon

a reclaimed landfill, or upon any other environmentally impacted land. The request to donate alternative land in lieu of the dedication of common open space shall include a metes and bounds description, a topographic survey of the property proposed for donation, a floodplain certification, and an environmental audit report, each prepared by a registered engineer licensed to do business within the State of Mississippi. It shall be completely at the discretion of the Board of Aldermen to either accept the donation of land outside the planned development or require the dedication of common open space within the planned development.

J. *Comprehensive Sign Policy*

1. The planned development project text shall include a sign policy to be incorporated into the covenants, conditions, and restrictions of the PD. The sign policy shall address at least design color(s), size, height, material, location, style (e.g. monument) throughout the planned development.
2. All free-standing signs must be monument style and no higher than 12ft in height. The Mayor and Board of Aldermen may modify this height limitation for industrial complexes where it deems necessary

K. *Development Phasing*

1. Development of the project may be phased, in which case each complete phase may be processed separately through both preliminary development plat review and final development plat review.
2. The PD plan shall clearly show the proposed phases covering the entire property included in the PD.

L. *Specific Standards and Criteria for Residential Planned Developments*

In addition to the general standards and general provisions set forth above, planned residential developments shall comply with the requirements and standards which follow:

1. Uses: Within the residential planned development, the following uses are permitted subject to recommendation of the Planning Commission and approval of the Mayor and Board of Aldermen.
 - (a) Any permitted use, accessory use or conditional use allowed in any residential base zoning district.
 - (b) In a residential planned development of 60 acres or larger, convenience commercial activities may be permitted to serve the regular recurring needs

of the residents. All such commercial areas shall meet the following additional requirements:

- (i) Access from public streets shall be from major or collector streets;
- (ii) The building design shall be compatible with the remainder of the residential planned development;
- (iii) No outside storage shall be permitted unless specifically authorized in the conditions of approval and trash disposal facilities shall be completely enclosed by walls or materials that complement the buildings;
- (iv) Off-street parking areas shall be paved and landscaped. A permanently landscaped front yard shall be maintained a minimum of 10 feet wide which shall not be used for parking and with only driveways crossing the yard. Permanently landscaped side and rear yards of appropriate width shall also be maintained;
- (v) Unless otherwise provided in the PD Plan, all signs advertising the nature or names of the businesses shall be constructed flat against the walls of the buildings and shall not extend above or beyond any wall of the building; and one such sign shall be permitted for each business located therein. Any free standing sign shall be monument style, no more than 8ft high, and at most 30sq ft. in area.
- (vi) Unless otherwise provided in the PD Plan, any loading service area shall be in the rear of the building.
- (vii) An 8ft high composite fence or masonry wall shall be provided on all sides or property lines that the commercial lot adjoins a residential lot.
- (viii) The Planning Commission and/or Mayor and Board of Aldermen may require other landscaping or design features as needed in order to protect any adjoining or neighboring uses

2. Maximum net residential densities and conceptual layout: Conceptual lot configurations, including approximate location of lot lines and streets, shall be depicted upon residential PD Plans. The maximum net residential density shall be determined by the Mayor and Board of Aldermen after a recommendation from the Planning Commission; however, the maximum density shall not exceed 125% of the maximum net density of the underlying base zoning district.

3. Houses in the RSF-8 and RSF-6 Base Zoning District Areas: In a PD, houses in areas utilizing the RSF-8 and RSF-6 base zoning districts shall be constructed with front porches that may extend at most 8ft into the front yard setback. The garages of such houses shall be at the rear, accessed through a privately owned and maintained alley or service drive a minimum 20ft wide.
4. Yard and Bulk Requirements: A residential planned development:
 - (a) Shall not deviate from the yard and bulk requirements of the base residential zoning classification except as approved by the Mayor and Board of Aldermen and as limited below. A written justification for any deviation from the minimum yard and bulk requirements contained in the base residential zoning classification shall be presented by the applicant to the Planning Commission and Mayor and Board of Aldermen for consideration.
 - (b) In no case shall the yard and bulk requirements of single family detached lots be reduced below the standards listed in Table 2 below or encroachments into required yards for residential uses be altered from the requirements:

Table 2: Minimum Single Family Detached Yard and Bulk Requirements in Planned Developments	
Minimum Lot Size	7,200sq. ft. However, minimum 6,000sq ft lots that are rear loaded may be permitted provided they do not exceed 20% of the single family detached lots count in the entire planned development.
Minimum Lot Width at Building Setback Line	40ft
Minimum Front Yard Setback	15ft
Minimum Side Yard Setback	5ft
Minimum Rear Yard Setback	20ft
Maximum Building Height	35ft or 2½-stories
Minimum Passive Use Area Within the Side and Rear Yards	800 sq. ft.

5. Development Entrances. Customized entrances shall be provided at all streets intersecting a thoroughfare or collector road. Such entrances may include a sculpture, monument signage, special landscaping, specialty pavement, enhanced fence or wall details, boulevard median or other similar treatment.

The extent of such features shall match the scale of the proposed development (more significant features shall be required for larger developments).

M. *Specific Standards and Criteria for Commercial or Industrial Planned Developments*

In addition to the applicable standards and criteria and the provisions set forth in Article V, Sec. 28(A) through Article V, Sec. 28(N) above, commercial or industrial planned development shall comply with the following standards.

- (a) *Residential use.* Except for hotels and motels, no buildings shall be designed, constructed, structurally altered or used for dwelling purposes except to provide, within permitted buildings, facilities for a custodian, caretaker or watchman employed on the premises. This restriction shall not be applicable in planned developments approved for mixed uses.
- (b) *Display of merchandise.* Unless specifically authorized by an Ordinance of the City, all business manufacturing and processes shall be conducted and all merchandise and materials shall be displayed and stored within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way; provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- (c) *Accessibility:* The site shall be accessible from the proposed street network in the vicinity which should be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.

N. *Specific Standards and Criteria for Mixed Use Planned Developments.*

- (1) The provisions of this Article V, Sec.28(N) shall not be applicable in the OTD.
- (2) *Eligibility:* A parcel or contiguous parcels of land combined must meet all the following requirements to be considered for mixed use development:
 - (a) Be at least 5 acres in size.
 - (b) Adjoin a collector or an arterial road and have access to and from the collector or arterial road.

- (c) Be preferably within 3 miles radius of the Old Towne District. However, the Planning Commission may recommend, and the Board of Aldermen may approve mixed use developments outside of this radius based on the compatibility of proposed uses, the character of the area, and evidence of public need.
- (3) *Permitted Nonresidential Uses:* In a mixed use, nonresidential development, uses may include but not necessarily be limited to the following:
 - (a) Banks or similar financial institutions
 - (b) Hotels and motels
 - (c) Professional offices
 - (d) Retail
 - (e) Restaurants
- (4) *Conditional Nonresidential Uses:* Where any of the following is proposed in a mixed use development, it must be a conditional use subject to approval by the Board of Adjustment:
 - (a) Vape and smoking shops
 - (b) Bars, lounges, taverns, and similar establishments.
- (5) *Prohibited Nonresidential Uses:* The following uses are specifically prohibited in mixed use planned developments, and the Board of Aldermen may emphasize the exclusion of other uses as it deems necessary:
 - (a) Auto sales and auto repair
 - (b) Convenience store with fuel pumps
 - (c) Junk yards.
 - (d) Mobile Home Sales
 - (e) Schools, but not including daycares.
 - (f) Sexually oriented businesses
- (6) *Specific Development Standards*
 - (a) Mixed use planned developments shall be subject to all of the applicable provisions of Article V, Sec.28(A) through Article V, Sec.28(N) above, except as otherwise specified below.
 - (b) Nonresidential land uses within the proposed mixed use planned development shall be oriented in such a manner as to provide suitable buffers of residential land use or common open spaces containing sufficient screening and buffering measures.

(c) No building or structure shall be designed, arranged, or constructed and no building, structure or land shall be used, in whole or in part, which exceeds the density and/or intensity specified below for residential and nonresidential uses.

(i) Aggregate fifteen dwelling units per acre (15du/ac) for residential land uses; and

(ii) Aggregate five thousand square feet per acre (5,000sq ft/ac.) for non-residential land uses.

O. *Project Narrative and Conceptual Master Plan Drawings (The PD Plan)*

An application for a PD District shall be accompanied by a project narrative and conceptual master plan drawings, which shall together be known as the “PD Plan”.

(1) The Project Narrative

The project narrative shall include and address at a minimum the following items:

(a) A General Statement, which shall introduce, summarize, and justify the contextual community need of the proposed development.

(b) Development Design Vision, which shall address the broad design vision in terms of vitality (mixture of activities, density and/or intensity, and public life), livability (personal safety, well managed traffic, ease of walking, centrality, and the presence of nature), and sense of belonging (sense of place and sense of time) that the planned development seeks to create.

(c) Conformity with Comprehensive and Specific Plan Goals, Policies, and Objectives. Specific plans include any land use, transportation, stormwater management, etc. plans approved by the City of Olive Branch and applicable to the property.

(d) Description of the Property (Surveyor’s plat or metes and bounds narrative)

(e) Existing conditions, including pictures and a description of any special features and environmentally sensitive areas

(f) Proposed Uses

(g) Bulk and Yard Requirements

(h) Parking

- (i) Landscaping and Screening
 - (j) Open Space
 - (k) Signs
 - (l) Buildings Architecture
 - (m) Roadways, Access, and Circulation
 - (n) Sanitary Sewer Facilities and Services
 - (o) Water Service
 - (p) Electricity and Natural Gas
 - (q) Stormwater Drainage Facilities and Services
 - (r) Phasing, Development Schedule, and Platting
 - (s) Preliminary Description of plans for covenants, uses and continuous maintenance provisions for the project.
 - (t) Impact on Community Facilities
 - (u) Any other information as may be requested by the City Planning & Development Department, the Engineering Department, or other City Departments and public agencies necessary to enable the Mayor and Board of Aldermen make an informed decision on the proposed development.
- (2) Conceptual Master Plan Drawings
The Conceptual Master Plan shall contain the following drawings:
- (a) Labelled General Layout Plan
 - (b) Outline of Plan Zones with scaled dimensions or metes and bounds of each zone.
 - (c) Preliminary Drainage Conditions/Study, which shall include flowlines

- (d) Streets or Vehicular/Bicyclist Circulation Diagram with the different types of proposed streets clearly labelled, and identification of which streets are intended to be public and/or private.
- (e) Cross Section of all proposed streets.
- (f) Pedestrian Circulation Diagram
- (g) Landscape Diagram and Associated Plates
- (h) Preliminary Phasing Plan Diagram
- (i) Recreation and Amenities Plan
- (j) Building Elevations or Envisioned Prototypical Architectural Images

P. *Procedures for Planned Development Approval*

The provisions of this subsection govern the procedures for approval of planned developments provided herein.

1. Pre-application procedures

- (a) Pre-application meeting required: At least thirty days prior to filing an application for a planned development, the prospective applicant shall request a pre-application conference with the Planning & Development Department.
- (b) To obtain information, each applicant shall confer with the Director of Planning & Development or designee and interested department heads in connection with the preparation of the planned development application. The general outlines of the proposal evidenced schematically by sketch plans are to be considered at the pre-application meeting(S) before submission of the planned development application. The City's development staff shall provide preliminary feedback comments that may guide the further creation of the planned development.

2. Neighborhood meeting required. A neighborhood meeting is mandatory before or after the submission of an application for a Planned Development overlay.

- (a) The neighborhood meeting shall take place at least 14 days prior to consideration of the application by the Planning Commission.
- (b) The applicant shall provide notification of the neighborhood meeting a minimum of ten business days in advance of the meeting by mail, to all owners and occupants within 500 feet of the land subject to the application.

A copy of the notice shall likewise be included in the PD application materials. The notification shall state the time and place of the meeting.

- (c) The applicant shall be responsible for all arrangements of the neighborhood meeting, which shall be held inside a completed ADA accessible building after 6:00 pm on a weekday.
3. After the pre-application conference, the owner of the property or his or her agent shall submit a complete application package to the Planning & Development Department before or on the deadline for the submission of items to be considered by the Planning Commission. The application package shall consist of the following:
- (a) A completed application form provided by the Planning & Development Department and review fee.
 - (b) The PD Plan (Project Narrative and Concept Master Plan Drawings)
 - (c) A forwarding memo addressed to the Mayor and Board of Aldermen through the Planning Commission, which shall itemize and explain how the PD meets each and all the stipulations of Article V, Sec. 25(H) through Article V, Sec.25(J) and any other applicable specific criteria.
 - (d) A traffic impact report prepared by a certified traffic engineer that will analyze the pre- and post-development roadway service levels and intersection service levels for all roads and intersections within one mile of the proposed development. In any instance where the impact of the proposed development indicates a negative reduction beyond a “C” level of service, the report shall identify those improvements necessary to maintain the current level of service. This report is only required in the following cases:
 - (i) Any development which proposes to take direct access to any collector or arterial street.
 - (ii) Any non-residential use which, according to the Table of Average Trip Generation Rate by Land Use Category, as established by the Institute of Transportation Engineers, will generate in excess of 2,000 Average Daily Traffic (ADT) or 300 vehicular peak hour volume, whichever is less, at build-out of the entire project.
 - (e) A copy of the neighborhood meeting notification letter.

- (f) A utilities infrastructure sufficiency analysis if determined necessary by the City Engineer

 - (a) Specific to mixed use developments only: A crime prevention plan, which shall outline and detail design, managerial, and other measures being proposed by the applicant to prevent crime and promote the safety of the public within the proposed development and its surrounding neighborhood. Design measures can be based on Crime Prevention Through Environmental Design (CPTED). Such plan should include measures directed at target hardening, control of access to facilities, exits screening, offenders deflection, control of tools and weapons, extended guardianship, natural surveillance assistance, reduction of anonymity, utilization of place managers, strengthening of formal surveillance, targets concealment, targets removal, property identification or territoriality, disruption of crime reward markets and denial of benefits, rules and instructions, conscience alertness, compliance assistance, control of drugs and alcohol, and reduction of provocation that may result from frustrations and stress, disputes, peer pressure, and emotional arousal. Upon receipt of the complete application package, City planning staff shall forward this crime prevention plan to the Chief of Police of the City of Olive Branch for review and recommendations to the Planning Commission.
4. The City's planning, engineering and other applicable department staff shall have at most sixty days from when the application is submitted to review the submissions, provide feedback to the applicant for any necessary revisions to be made and resubmitted, and prepare a staff report for consideration by the Planning Commission.
 5. At its regular meeting in the second month after the application was submitted, the Planning Commission shall review the application as to whether it meets all general criteria and any applicable specific criteria for the planned development as contained in this section and shall recommend to the Mayor and Board of Aldermen to: approve, disapprove or approve the planned development subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next meeting. The Planning Commission's review and recommendation shall be based on the application meeting the following criteria:
 - (a) Whether the existing zoning of the property is an error or the character of the area has changed and there is a public need to warrant the proposed planned development; and

- (b) Completeness of the application package as provided in Article V, Sec. 27(P)(3); and
 - (c) Compliance with the general standards for planned developments as stipulated in Article V, Sec. 27(H) through Article V, Sec. 27(J).
 - (d) Compliance with applicable standards of the specific type of planned development proposed as stipulated in Article V, Sec. 27(L), Article V, Sec. 27(M), and/or Article V, Sec. 27(N).
6. The Planning & Development Department shall forward the recommendation of the Planning Commission to the Mayor and Board of Aldermen.
 7. The Mayor and Board of Aldermen shall hold a public hearing on the application for the planned development and the PD Plan after receipt of the staff report and recommendations from the Planning Commission. The Mayor and Board of Aldermen shall establish a date for a public hearing and shall cause notice thereof to be published in accordance with law at least 15 days prior to the hearing. The Mayor and Board of Aldermen shall approve, disapprove, or approve the proposed planned development and PD Plan subject to conditions and, if approved, shall set forth the conditions imposed.
 8. Change of Property's Zoning: Upon approval of the PD Plan by the Mayor and Board of Aldermen, the zoning district of the subject property area shall become, "Planned Development," abbreviated "PD". The approved PD Plan shall bind the developer and the property as the development regulations of the property unless the Governing Authority at its discretion changes the property's PD zoning designation in accordance with applicable legal procedures.
 9. Contractual agreement: The PD Plan is intended to demonstrate to the Planning Commission and the Mayor and Board of Aldermen the character and objectives of the proposed development, so that the commission, and ultimately the board, may evaluate the effect the proposed development would have on the community, and determine what provisions, if any, should be included as a part of the plan, and be binding upon the future use and development of the property. The filing of a PD Plan shall constitute an agreement by the owner and applicant, successors, heirs, and assigns, that if the preliminary development plan and project text are approved, development of the property and any permits issued for the improvement of such property, and activities subsequent thereto, shall be in conformance with the approved preliminary development plan and project text for the subject property, and

any conditions attached thereto. The approved PD Plan and any conditions attached thereto shall have the full force and effect of the zoning ordinance.

10. Construction: Following the initial rezoning procedure:

- (a) The proposed development shall follow all applicable procedures and requirements governing the subdivision of land.
- (b) No building permit shall be issued until a final plat of the proposed development or portion thereof, is approved, filed, and recorded.
- (c) No building designed or intended to be used, in whole or in part, for commercial purposes shall be constructed prior to the construction of less than 25 percent of the dwelling units proposed in the plan or construction of 100 dwellings units, whichever is smaller. Alternatively, however, where mixed use buildings are involved in the development, at least fifty percent of the mixed use buildings shall be constructed before a certificate of occupancy may be issued for any portion of the development.

Q. *Validity*

The approved PD Plan shall remain valid unless the Governing Authority of the City of Olive Branch repeals the PD Plan following legal procedure for the rezoning of property.

R. *Modifications and Amendment of Approved PD Plan*

- 1. Generally: The approval of a PD Plan may provide for such modifications from the above-referenced baseline area regulations and performance standards as the Mayor and Board of Aldermen may find necessary or desirable to achieve the objectives of the proposed planned development. The modifications and/or amendments of approved PD Plan may be permitted provided:
 - (a) Such modifications and/or amendments are consistent with the standards and criteria contained in this section;
 - (b) The modifications and/or amendments have been specifically requested by the property owner; and
 - (c) The proposed modifications and/or amendments would not result in any of the following:
 - (i) Inadequate or unsafe access to the proposed planned development
 - (ii) Traffic volumes exceeding the anticipated capacity of the proposed or existing major street network in the vicinity.

- (iii) An undue burden on public parks, recreation areas, fire and police protection, and other public facilities, which serve or are proposed to serve the planned development.
 - (iv) Incongruence with the purposes of this section, the City's Comprehensive Plan, and any specific City adopted plan for land use, transportation, or public services in the area.
 - (v) Detrimental impact on adjacent properties and/or the surrounding neighborhood.
 - (vi) Loss of amenities (except replaced with others)
 - (vii) Loss of public benefit.
2. Burden of proof: The burden of proof that the criteria required to secure approval of modifications and/or amendments to the baseline regulations and standards have been met shall rest with the applicant.
 3. Limitation on modifications and/or amendments: Modifications and/or amendment of an approved PD Plan shall not include those City standards and specifications pertaining to the design and construction of public improvements, or such privately maintained improvements that are required to meet public standards and specifications for construction and design.

S. Deed Restrictions, Protective Covenants, Etc.

The Mayor and Board of Aldermen shall not consider any final plat which incorporates private improvements, facilities, or other common elements, which are proposed to be maintained by the owners of property within the proposed development, unless it shall be accompanied by deed restrictions, covenants, etc.

1. In reviewing an application for final plat approval, the Planning Commission and the Mayor and Board of Aldermen shall review and approve such deed restrictions, covenants, or trust indenture. The Planning Commission may recommend and the Mayor and Board of Aldermen may require, at its own discretion:
 - (a) The elimination of all or any part of any restriction, covenant or trust provision.
 - (b) The amendment of all or any part of any restriction, covenant or trust provision
 - (c) The addition of any restriction, covenant, or trust provision determined by the Board of Aldermen to be in the best interest of the public.
2. All such deed restrictions, covenants, etc. shall provide for the following:

- (a) Provisions designating the common facilities, private improvements, or other common elements, and prohibiting the construction of structures other than those incorporated in the approved development plan upon them.
 - (b) Provisions for the qualifications and for the election of at least three qualified persons to serve as officers for the administration and enforcement of the deed restrictions or trust provisions; their terms of office; their method of election after the first officers' election; succession or replacement of officers who die, resign, or refuse to carry out their duties.
 - (c) Provisions setting out the powers and duties of the officers under the deed restrictions or covenants with respect to the following:
 - (i) The reasonable minimum amount of money required to be expended yearly in maintenance of the common elements, improvements, or facilities, and the methodology upon which the responsibility for said amount is divided between each individual property-owner within the development.
 - (ii) That the yearly minimum amount of money required to be expended for maintenance of the common element, improvements, or facilities shall be paid to the officers for such purposes, and the minimum yearly amount shall constitute a lien upon all real estate.
 - (iii) For the effective means of collection of the reasonable yearly minimum amount of money designated and required for maintenance of the common elements, improvements, or facilities.
 - (iv) Establishment of the date of the first annual assessment of all property-owners within the development of the yearly reasonable minimum amount. There shall be no exemptions from such assessment, including property owned by the developer.
 - (d) Provisions setting out that the amendment or release of any restriction or provisions shall only be accomplished through the execution of a document so stating and suitable for recording, approved by the Board of Aldermen, upon recommendation by the Planning Commission.
3. Timing: For any planned commercial development that incorporates private improvements, facilities, or other common elements, which are proposed to be maintained by the owners of property within the proposed development, the developer shall
- (a) Incorporate the Property-Owners Association as applicable prior to recording of the subdivision plat for the development or any phase of the development.
 - (b) Transfer all improvements, property, and other common elements to the property-owners association concurrently with the recording of the subdivision

plat for the development. Where the property is developed in phases, the common elements shall be transferred either with the subdivision plat of the initial phase of the development or with the subdivision plat of the phase within which the respective common element is to be located.

- (c) Submit copies of the recorded incorporation papers and property transfer records to the planning and building department for inclusion in planned development file.

DRAFT

Sec. 29. Use Matrix

Table 3: Table of Uses

P: Permitted Use

C: Conditional Use, requiring the granting of a Conditional Use Permit by the Board of (Zoning) Adjustment

- : Not Permitted

Use Classification/ Principal Use	Base Zoning District																					
	A	A-R	R-E	SFR-30	SFR-20	SFR-15	SFR-12	SFR-10	SFR-8	SFR-6	SFR-4	RTH	RMF	O	NC	HC	OTD	SC	GC	P-I	LI	HI
<i>Agricultural</i>																						
Agricultural Sales and Produce Storage	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	P	P
Agriculture and Forestry Activities ¹	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Auction Yards	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Barns ²	P	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cannabis cultivation/processing facility	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Greenhouses / Nurseries	P	C	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	-	P	-	P	P
Guest Ranches, hunting, and fishing resorts ³	P	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Feeding lots / Hog Farms	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Use Classification/ Principal Use	Base Zoning District																					
	A	A-R	R-E	SFR-30	SFR-20	SFR-15	SFR-12	SFR-10	SFR-8	SFR-6	SFR-4	RTH	RMF	O	NC	HC	OTD	SC	GC	P-I	LI	HI
Flea Markets, Indoor	P	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-
Flea Markets, Outdoor	P	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C
Roadside Stand ⁴	P	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sawmills ⁵	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential																						
Accessory Buildings/Use ⁶	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-
Assisted Living Facility	-	-	-	-	-	-	-	C	P	P	-	P	P	-	P	-	-	-	-	-	-	-
Dwelling – Accessory Unit ⁷	P	P	P	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling – Single-Family Detached	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Dwelling – Single-Family Attached Duplexes ⁸	-	-	-	-	C	C	C	P	P	P	-	P	P	-	-	-	-	-	-	-	-	-
Dwelling – Triplexes, Townhouses & Condominiums ⁹	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
Dwelling – Multifamily apartments	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-
Dwelling – Multifamily, on upper floors	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-

Use Classification/ Principal Use	Base Zoning District																					
	A	A-R	R-E	SFR-30	SFR-20	SFR-15	SFR-12	SFR-10	SFR-8	SFR-6	SFR-4	RTH	RMF	O	NC	HC	OTD	SC	GC	P-I	LI	HI
Home Occupation ¹⁰	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Mobile Home Park ¹¹	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile Homes ¹²	P	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nursing and Convalescent Home ¹³	-	-	-	-	-	-	-	C	P	P	-	P	P	-	-	-	-	-	-	P	-	-
Senior Citizen Housing	P	P	P	P	P	P	P	P	P	P	-	P	P	-	-	-	-	-	-	-	-	-
Lodging																						
Bed & Breakfast ¹⁴	P	C	-	-	-	-	-	C	C	C	-	-	-	C	P	P	P	P	-	P	-	-
Hotel/Motel/Inn	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Rooming or Boarding House	-	-	-	-	-	-	C	C	C	C	-	C	C	C	P	P	P	P	-	-	-	-
Office/Service																						
Animal Services ¹⁵	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-	-	P	C	-	-
Banks, Financial Services	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	P	P
Banquet Hall ¹⁶	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-
Beauty & Barber Shop ¹⁷	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-

Use Classification/ Principal Use	Base Zoning District																					
	A	A-R	R-E	SFR-30	SFR-20	SFR-15	SFR-12	SFR-10	SFR-8	SFR-6	SFR-4	RTH	RMF	O	NC	HC	OTD	SC	GC	P-I	LI	HI
Business Support Services	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	C	P	P
Car Wash	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-	P	P	-	P	P
Car Rental/ Bus Terminal Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P
Clinic/Doctor's Office	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-
Day Care Center ¹⁸	C	C	C	C	-	-	-	-	-	-	-	-	C	P	P	P	P	P	-	P	C	-
Day Care in Residence, at most six children	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Dry Cleaning Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	-	-	-
Equipment Rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-	P	P
Funeral Home / Mortuary	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	C	-	-
Gymnasium / Fitness Center / Health Club	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	P	P	P
Laboratory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	C	P	P
Laundry Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	P	-	-	-
Lawn / Tree / Garden Service	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	P	-
Lodge/Meeting Hall ¹⁹	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-

Use Classification/ Principal Use	Base Zoning District																					
	A	A-R	R-E	SFR-30	SFR-20	SFR-15	SFR-12	SFR-10	SFR-8	SFR-6	SFR-4	RTH	RMF	O	NC	HC	OTD	SC	GC	P-I	LI	HI
Massage Therapy, Professional	P	P	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-
Model Home with or without sales office ²⁰	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-
Offices, General	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-
Pawn Shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	P	-	-	-
Permanent Cosmetics	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	-	P	P
Pet Grooming	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	C	P	-	P	P
Post Office	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-
Print shop	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	P	P	P
Professional Services	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-
Radio & Television Studio and Station, Commercial	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Repair Services	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	P	P	-	P	-
Shooting Gallery, Indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	P	P
Studio: Art, dance, martial arts, music	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	-
Tanning	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	C	P	P	-	-	-

Use Classification/ Principal Use	Base Zoning District																					
	A	A-R	R-E	SFR-30	SFR-20	SFR-15	SFR-12	SFR-10	SFR-8	SFR-6	SFR-4	RTH	RMF	O	NC	HC	OTD	SC	GC	P-I	LI	HI
Tattoo Parlor ²¹	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	C	C	-	C	P
Vehicle Services: Minor Maintenance/ Repair ²²	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	C	C	P	-	P	P
Vehicle Services: Major Repair/Body Work ²³	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	C	P
Retail / Restaurant																						
Alcoholic Beverage Sales Store ²⁴	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
Auto Parts Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	P	-	P	P
Auto Sale	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	P	P
Bakery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
Bar/Tavern/Lounges ²⁵	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	P	-	P	-
Cannabis Dispensary ²⁶	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-
Convenience Store with Fuel Pumps ²⁷	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	-	C	C
Country Store ²⁸	C	C	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	-	-
Drive-Thru Facility ²⁹	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-

Use Classification/ Principal Use	Base Zoning District																					
	A	A-R	R-E	SFR-30	SFR-20	SFR-15	SFR-12	SFR-10	SFR-8	SFR-6	SFR-4	RTH	RMF	O	NC	HC	OTD	SC	GC	P-I	LI	HI
Grocery Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	-	-	-	-
Lumberyard	P	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	P	P
Mobile Home Sales, Service Repair & Storage Facility ³⁰	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-	-	-
Mobile Food Vending ³¹	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	C	P	P	P	P	P
Retail, General: 2,500sq ft. or less	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	P	-	-
Retail, General: 2,501sq ft. to 10,000sq ft.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-
Retail, General: 10,001sq ft. to 50,000sq ft.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
Retail, General: Greater than 50,000sq ft.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-
Retail, Specialty ³²	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	-	-	-
Restaurant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	-
Trailer, Boat, Recreational Vehicle (RV) & Camper Sales, and Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-	P	P

Use Classification/ Principal Use	Base Zoning District																					
	A	A-R	R-E	SFR-30	SFR-20	SFR-15	SFR-12	SFR-10	SFR-8	SFR-6	SFR-4	RTH	RMF	O	NC	HC	OTD	SC	GC	P-I	LI	HI
Vape & Smoking Shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	C	-	-	-
<i>Civic / Institutional</i>																						
Animal Shelter	P	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P
Campground, Travel Trailer Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-
Cemetery	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Civic, social, & fraternal organizations ³³	C	C	C	-	-	-	-	-	-	-	-	-	-	C	C	P	P	P	P	P	-	-
Country Club	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
Government / Public Services Facilities	P	P	P	P	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-
Hospital ³⁴	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-	-	P	P	-	-
Landfill	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Religious Institution	P	P	P	P	P	P	P	P	C	C	-	-	-	P	P	P	P	P	P	P	-	-
School, College/ University	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
School: Elementary & Secondary	C	C	C	C	C	C	C	C	C	C	-	-	P	-	P	P	-	-	P	P	-	-
School: Vocational/Technical	C	C	C	C	C	C	C	-	C	C	-	-	C	-	P	P	-	-	P	P	P	P

Use Classification/ Principal Use	Base Zoning District																					
	A	A-R	R-E	SFR-30	SFR-20	SFR-15	SFR-12	SFR-10	SFR-8	SFR-6	SFR-4	RTH	RMF	O	NC	HC	OTD	SC	GC	P-I	LI	HI
Sewage Treatment Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Entertainment / Recreation																						
Adult Establishment ³⁵	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
Amusements, Indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	-	P	P
Amusements, Outdoor	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	C	P	-	P	P
Cultural Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-
Golf courses	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	C	-	-
Internet/Electronic gaming	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	C	P	P	-	P	P
Meeting/Conference Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Public Parks, Playgrounds, & Recreational Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	P	-	P	P	-	-
Recreation Facility, Indoor Private ³⁶	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P
Recreation Facility, Outdoor Private ³⁷	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	-	P	-
Saddle Clubs, Stables and Riding Academies	P	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Theater, Movie	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-	-

Use Classification/ Principal Use	Base Zoning District																					
	A	A-R	R-E	SFR-30	SFR-20	SFR-15	SFR-12	SFR-10	SFR-8	SFR-6	SFR-4	RTH	RMF	O	NC	HC	OTD	SC	GC	P-I	LI	HI
Theater, Live Performance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	C	P	-	-	-
Manufacturing / Wholesale / Storage / Research																						
Asphalt Plants ³⁸	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	P
Cannabis Research Facility / Cannabis Testing Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	P	P
Contractor Storage, Indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	P	P
Contractor's Yard or Storage, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	C	P
Extraction of Minerals, including Sand and Gravel ³⁹	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Laundry, Dry Cleaning Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P
Manufacturing, Light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	P	P
Manufacturing, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P
Media Production	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	P	P
Metal products fabrication, machine or welding shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	P	P
Mini-Warehouse, Indoor Storage ⁴⁰	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-	P	P

Use Classification/ Principal Use	Base Zoning District																					
	A	A-R	R-E	SFR-30	SFR-20	SFR-15	SFR-12	SFR-10	SFR-8	SFR-6	SFR-4	RTH	RMF	O	NC	HC	OTD	SC	GC	P-I	LI	HI
Recycling Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-	P	P
Research and development, excluding cannabis ⁴¹	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	C	C	P	P
Storage: Outdoor Storage Yard as primary use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	P
Storage: Warehouse/ Storage, Indoor ⁴²	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	P	P
Vehicle Impound Lot/ Wrecker/Towing Services ⁴³	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	P
Wholesale and Distribution ⁴⁴	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	C	-	P	P
Transportation / Infrastructure																						
Airport / Landing strips / Flying School & Services ⁴⁵	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	P
Parking lot (primary use)	-	C	C	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	P	P	P
Radio / TV Towers, Antennas or Earth Stations not Exceeding 35ft in Height ⁴⁶	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	-	P	P	P	P	P

Use Classification/ Principal Use	Base Zoning District																					
	A	A-R	R-E	SFR-30	SFR-20	SFR-15	SFR-12	SFR-10	SFR-8	SFR-6	SFR-4	RTH	RMF	O	NC	HC	OTD	SC	GC	P-I	LI	HI
Radio / Television Towers or Antennas or Earth Stations Exceeding 35ft in Height ⁴⁷	C	C	C	C	C	C	C	C	C	C	C	C	C	-	C	C	-	-	C	C	C	C
Small Cell Technology Facilities, New Support Structure ⁴⁸	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Transportation Terminal/Tractor-Trailer & Cargo Container Storage ⁴⁹	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
Truck Stop ⁵⁰	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	C	C
Utility Substation	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P

Uses Notes

1. *Agriculture and Forestry Activities:*
 - (a) In any district permitted by right or conditional use, Agriculture and forestry activities includes any forms of agriculture and forestry activities, but excludes feedlots and sales, auction yards and barns, and other similar intensive farming operations limited elsewhere in this ordinance.
 - (b) In the A-R District: the storage of farming equipment shall be restricted to the rear or side yard of a principal structure.
 - (c) In the R-E District: no storage of farming equipment in yards is permitted.
2. *Barn:*
 - (a) In the A-District: where there exists a house or other principal structure on the lot, a barn shall be in the rear yard or side yard of the principal structure or building, and may be smaller, equal to, or larger than the principal structure.
 - (b) In the A-R and R-E Districts: where there exist a house or other principal structure on the lot, a barn shall be in the rear yard of the principal structure or building and shall not exceed the size of the principal structure.
3. *Guest Ranches, Hunting, and Fishing Resorts:*

In the A-District: in addition to meeting all conditional use permit criteria, the site shall be no less than 50 acres.
4. *Roadside Stands:*

Roadside stands are restricted for the display or sale of agricultural products raised, produced, and processed on the premises only.
5. *Sawmill:*

In the A- District: in addition to meeting all conditional use permit criteria, the site shall be no less than 5ac.
6. *Accessory Buildings and Uses:*

In all districts in which accessory buildings and uses are permitted, they shall be subject to the applicable provisions of Article VII.
7. *Accessory Dwelling Unit:*

The use of a lot for accessory dwelling unit purpose(s) must meet ALL the applicable requirements of Article VII, Sec.3, "Accessory Dwelling Units."

8. *Dwelling – Single-Family Attached Duplexes:*
- (a) In the SFR-8 and SFR-6 Districts: garages must be rear, or side loaded, and houses shall be constructed of at least 66% brick and/or stone in all elevations.
 - (b) In the SFR-20, SFR-15, SFR-12, SFR-10, SFR-8, SFR-6, and RTH Districts: The approval procedure for single-family duplexes shall be the same as for townhouses and condominiums in the RTH District.
 - (c) In all districts in which Single-Family Attached duplex dwellings may be allowed either as permitted or as conditional use, the lot area containing the duplex building and the surrounding yard must be at least 12,000sq ft.
9. *Townhouses and Condominiums:*
- (a) In the SFR-6 District: there shall be no more than three (3) dwelling units per building.
 - (b) In the RTH and RMF Districts: except as provided in sub-note (a) above, all other provisions on townhouses as stipulated for the RTH District shall apply.
10. *Home Occupation:*
- (a) *Purpose.* The purpose of the home occupation regulations is to reasonably allow for a home to be used as a “doing business address” for low impact business activities from the home while ensuring that they are limited and controlled so they do not negatively impact the residential areas where they are located. Home occupations are limited by performance standards, requirements, and prohibitions. Procedures related to applications, evaluations, approvals, inspections, and revocations provide controls to ensure the home occupations do not adversely impact surrounding properties.
 - (b) *Classifications.* Home occupations are categorized into three classes as follows:
 - (i) *Class 1.* Class 1 Home Occupations are limited, in-home business offices that are indistinguishable from activities associated with any typical office employee bringing home work outside of regular business hours. Class 1 Home Occupations utilize a single room in the residence where information-oriented business activities are limited to paperwork, computer, mail, telephone, and filing. Although home storage of a single vehicle used for business purposes is acceptable, Class 1 Home Occupations do not allow for on-site storage of any inventory, trailers, or mechanical equipment used for home occupation activities.
 - (ii) *Class 2.* Class 2 Home Occupations are in-home business offices on large, estate-sized residential properties, including farmland, where ample buffering prevents impacts to surrounding properties. They have the potential to create

some impacts beyond Class 1 activities due to limited and/or increased on-site storage of material, inventory, chemicals, work vehicles, trailers, equipment, limited product assembly, or business-related traffic from customers or deliveries. Businesses among those typically classified as Class 2 Home Occupations include offices for subcontractors or lawn services where work vehicles, equipment, and/or trailers are stored at the home. Pool cleaning services are also included if chemicals are stored at the home. Other examples include arts and crafts businesses, such as stained glass or candle making, other businesses that involve light assembly, and plant nurseries or vegetable growing operations with limited sales to the public.

(c) *Districts Permitted:*

- (i) *Class 1:* Class 1 Home Occupations are permitted in all agricultural and residential zoning districts, namely, A, A-R, R-E, SFR-30, SFR-20, SFR-15, SFR-12, SFR-10, SFR-8, SFR-6, SFR-4, RTH, and MFR. Residential areas of planned developments may also permit Class 1 Home Occupations as stipulated in the approved PD Plan.
- (ii) *Class 2:* Class 2 Home Occupations are only permitted in the following zoning districts: A, A-R, and residential areas of planned developments if specified in the PD Plan approved by the Board of Aldermen. They may be allowed in the R-E District subject to a conditional use permit granted by the Board of Adjustment.

(d) *Performance Standards.* Home occupations shall meet the following performance standards:

- (i) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (ii) 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 other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
- (iii) No traffic shall be generated by such home occupation in greater volumes that would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off street and other than in a required front yard.

- (iv) No home occupation may adversely affect public safety through the storage or generation of explosive, flammable, or hazardous materials in quantities which could constitute a neighborhood danger based on the required submittal of Material Safety Data Sheets (MSDS) or the determination of the City Fire Marshal.
 - (v) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 - (vi) No wholesale or retail establishment shall be permitted unless it is conducted entirely by mail, internet, or telephone and does not involve the receipt, sale, shipment, delivery, or storage of merchandise on or from the premises in quantities that would exceed an average of one (1) delivery or shipment per week, or that would exceed the storage capacity of an accessory building or 25 percent of the floor area of the dwelling unit.
 - (vii) There shall be no storage outside a principal building or accessory structure of equipment or materials used in the home occupation. Work trailers and signed vehicles used in conjunction with the home occupation cannot be stored or parked overnight (between the hours of 8:00 p.m. and 6:00 a.m.) in areas visible from the public right-of-way so as to constitute a change in the outside appearance of the premises and evidence of the conduct of such home occupation.
 - (viii) For Class 1 Home Occupations, all activities shall be conducted entirely within the principal residential building or in a private garage accessory thereto. For Class 2 Home Occupations, in addition to indoor activities, any outdoor operation shall be fully screened from neighboring properties.
 - (ix) There shall be no group instruction in connection with the home occupation.
- (e) *Home occupation application, evaluation, and approval procedures.*
Applications for home occupation approvals shall be filed on a form provided by the City. The Director of Planning and Development or designee may request additional information to ensure that all application materials are sufficient to review the request.

(f) *Home Occupation Evaluation*

- (i) The Director of Planning and Development or designee shall determine the classification of the home occupation upon reviewing the application, and determine whether a conditional use permit is required.
- (ii) Depending upon specific impacts and the nature of the operation, the same type of business may be classified differently. For example, a landscape business where all materials, equipment, and trailer are stored offsite may qualify as a Class 1 Home Occupation. A landscape business, where the materials, equipment, and trailer are stored in the home's garage, and there is or isn't a plant nursery on the property may qualify as a Class 2 Home Occupation.

(g) *Approval Procedure*

- (i) A permit for a home occupation shall be granted by the Planning and Development Director or designee for permitted home occupations that meet the requirements of this section and do not require a special exception. The Director of Development Services or designee may add special conditions to the permit related to the operation of the business to ensure compliance with this Code.
- (ii) For a Class 2 Home Occupation in the SFR-30 District that requires a conditional use permit, the conditional use permit approval process as stipulated in Article X, Section C shall apply.
- (iii) With regard to Class 2 home occupation permits, the City shall notify the owners (as listed with the Desoto County, MS Property Appraiser) of the properties immediately abutting the lot and immediately across a road right-of-way from the permitted lot. This notification shall be sent by ordinary mail within seven calendar days of issuance of the home occupation permit.

11. *Mobile Home Park:*

In the A-District: In addition to meeting all general criteria for a conditional use permit, a mobile Home Park shall meet the following criteria:

- (a) Each lot provided for the occupancy of a single trailer or mobile home unit shall have an area of not less than 5,000 square feet and a width of not less than 50 feet. No trailer, structure, addition, or appurtenance thereto shall be located less than ten feet from the nearest adjacent lot boundary.
- (b) No building or structure erected or stationed in the park shall have a height greater than one story or 15 feet.

- (c) There shall be a front yard setback of ten from all access roads within the mobile home park.
- (d) Maximum density shall be four manufactured homes per net acre.
- (e) All sewage disposal facilities and water supply facilities must be approved by the state board of health. Regular garbage and refuse pickup service must be provided at each trailer court. Permanent facilities for washing and laundering may be required to meet the state board of health requirements. Adequate stormwater drainage must be provided before occupancy and in a manner not to be objectionable to adjacent property owners. No site subject to flooding shall be approved.
- (f) All vehicular road entrances must be approved by the City Engineer for safety access. Each trailer site shall abut a hard surfaced driveway, roadway, or street of not less than 30 feet in width, which shall have unobstructed access to a public highway or street. Space between trailers may be used for parking of motor vehicles if the space is hard surfaced and clearly designated at least five feet from the nearest adjacent lot boundary. When such off-street parking spaces are provided, the driveway, roadway, or street serving the lot shall not be less than 24 feet in width. A street plan satisfactory to the board of adjustment must be approved prior to construction with streets paved and culverts in place before occupancy.
- (g) Mobile home spaces may abut upon a driveway of not less than 20 feet in width, which shall have unobstructed access to the access road within the mobile home park. The sole vehicular access shall not be by the alley, and all dead-end driveways shall include adequate vehicular turning space or a cul-de-sac.
- (h) All access roads and driveways shall be constructed with a six-inch stone base and a two-inch layer of asphalt. Extruded concrete roll curbs, the face of which shall not be less than five and one-half inches high, shall be installed along the entire length of all such access roads.
- (i) Electrical facilities provided to each lot must meet the National Electrical Code requirements. Trailer courts having ten or more trailer lots must provide an overhead street or night light operating at night. One streetlight must be provided for each ten trailer lot spaces, or portion thereof within the court.
- (j) Each trailer court providing more than four trailer spaces must provide suitable fenced playground area of not less than 300 square feet for each trailer space.

- (k) In approving a trailer court site, there may be imposed such reasonable requirements as to screening and other features of the development as are deemed necessary to protect adjacent property and prevent objectionable conditions. A 25-foot landscaped area shall be provided around the entire perimeter of a mobile home park adjacent to any residential dwelling district.
- (l) After completion of improvements and prior to opening the mobile home park, a final plat shall be submitted in accordance with City subdivision regulations [appendix B of this volume]. Such plats need not be recorded in the Chancery Clerk's office but must be approved by the board of adjustment and board of aldermen and filed in the plat book in the board of adjustment office
- (m) Each mobile home shall be provided with anchors and tie-downs such as cast in place concrete "deadman" eyelets imbedded in concrete slabs, screw augers, arrowhead anchors or other devices to be used to stabilize the mobile home.
- (n) Skirting shall be provided around the perimeter of each mobile home.

12. *Mobile Homes:*

In districts in which they are allowed or may be allowed as conditional uses: Mobile Homes are only permitted on sites of five acres or more located a minimum of 100 feet from a side property line.

13. *Nursing and Convalescent Home:*

- (a) In the SFR-10 District: in addition to meeting all conditional use permit criteria, no more than 40 percent of the site area may be occupied by buildings.
- (b) In the SFR-10, SFR-8, and SFR-6 Districts: the site must be at least 1.5ac and the buildings are placed not less than 50ft from the side and rear property lines
- (c) In all districts in which nursing and convalescent homes may be allowed either as permitted use or conditional use, the following additional requirements shall apply:
 - (i) The site shall meet any and all state licensing requirements; and
 - (ii) Density shall be based on bedrooms per acre and shall be calculated as one and one-half times the number of dwelling units allowed in the zoning district.

14. *Bed & Breakfast:*

- (a) In the SFR-10 District: in addition to meeting all general criteria for a conditional use permit, a bed and breakfast facility shall also meet the following requirements:
 - (i) There shall be no more than six registered guests at one time
 - (ii) Parking shall be located at the rear or side of the building;

- (iii) Only short-term lodging may be permitted, no monthly rental;
 - (iv) The establishment shall not be rented for receptions, parties, weddings, or similar activities; and
 - (v) All necessary state and city permits, certifications, or requirements shall be obtained as a condition of approval of a bed-and-breakfast home service.
 - (vi) The property shall be a minimum lot size of one and one-quarter acre.
- (b) In the SFR-8 and SFR-6 Districts: in addition to meeting all general criteria for a conditional use permit, a bed and breakfast facility shall also meet the following requirements:
- (i) There shall be no more than 10 registered adult guests at one time;
 - (ii) Only short-term lodging shall be permitted, no monthly rentals.
 - (iii) The owner (or manager) must reside on the premises;
 - (iv) Parking shall not be visible from any public right-of-way (excluding alleys) or adjacent property;
 - (v) All necessary state and city permits, certifications, or requirements be obtained as a condition of a bed-and-breakfast establishment service;
 - (vi) No exterior alterations, other than those necessary to assure safety of the structure, shall be made to any building for the purpose of providing bed-and-breakfast;
 - (vii) No bed-and-breakfast inn may be located within 1,500 feet (determined by a straight line and not street distance) of another;
 - (viii) The structure shall be located on an arterial or collector street; and
 - (ix) The property shall be a minimum lot size of one acre.
- (c) In the O, NC and HC Districts, Bed and Breakfast establishments may be permitted subject to the following:
- (i) Only short-term lodging shall be permitted, no monthly rentals.
 - (ii) There shall be no individual cooking facilities in the guest rooms.
 - (iii) The establishment may be rented for receptions, parties, weddings, or similar activities.
 - (iv) Meals shall include but not be limited to breakfast for overnight guests, except for special events, as stated hereinabove.

15. *Animal Services:*

- (a) In the A District: in addition to meeting all conditional use permit criteria, the site shall be at least 5ac and no more than 20 percent of the site area may be occupied by buildings.

(b) In the NC District: no outdoor kennel activity is permitted, and the side and rear yards of the facility must be fenced with a minimum 6ft high opaque composite fence from any surrounding residential zoned property.

(c) In the C-3 and HI Districts: no outdoor kennel activities are permitted.

16. Banquet Hall:

In the A District, the subject property must be at least 3ac in size and meet all other requirements for a conditional use permit.

17. *Beauty Shops:*

In the A District: no more than one person can be employed on the property and no more than one sign with a maximum area of four (4) square feet is erected.

18. *Dare Care Center:*

In all districts in which day care centers may be allowed, whether as permitted or conditional use, the center must meet the following requirements:

- (a) The facility meets all requirements imposed by the state licensing board, including, but not limited to, maximum allowable enrollment, adequate play and work space, and noise and safety controls;
- (b) Excessive noise shall be controlled by such means as enclosure, screening, and/or play yard supervision to not unduly interfere with the use and enjoyment of surrounding properties;
- (c) A paved driveway for the off-street loading and unloading of children provides a separate entrance and exit to and from the property from an arterial or collector street, without backing into the street; and
- (d) The property shall contain a minimum of one and one-half acres.

19. *Lodge/Meeting Hall:*

In the HC, OTD, SC, and GC Districts:

- (a) No more than 30% of the gross floor area may be used as office space for the lodge/meeting hall.
- (b) Sleeping facilities are prohibited.
- (c) Lodges/meeting halls leased or used as reception facilities cannot charge a general admission fee or any other monetary donations (payment at the door to the general public) for entrance, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, educational facilities, or similar uses.

20. *Model Home with or Without Sales Office:*

In the A, A-R, R-E, SFR-30, SFR-20, SFR-15, SFR1-12, SFR-10, SFR-8, SFR-6, SFR-4, and RTH Districts: model homes including sales offices must be located within developing subdivisions to be used exclusively for the promotion of original sales of lots and houses within that subdivision.

21. *Tattoo Parlor:*

In the LI District and HI District: in addition to meeting all general criteria for a conditional use permit, a tattoo parlor shall not be located within 500 feet of any school, religious institution, residence or residentially zoned property or park property, with the measurement to be from property line to property line.

22. *Vehicle Services: Minor Maintenance / Repair:*

(a) In the HC and GC Districts: no more than 75% of marked parking spaces may be used for vehicles awaiting repair or repaired but not picked up. Minor services and repairs can include auto renting; drive-thru oil/lube change; muffler shops; glass/windshield repair; sound and security system installation; tire sales, alignment, and installation; new auto part sales and new auto accessory sales; car wash and detailing shops; and other related sales, minor services or repairs.

(b) In the HC, GC, and LI Districts:

- (i) All vehicles must be parked within marked parking spaces.
- (ii) Any and all wrecked vehicles must be within an enclosed area in the side or rear yard of the property. The enclosure shall consist of a minimum 6ft high composite fence.
- (iii) Repair of vehicles and storage of all merchandise, auto parts, and supplies must be within an enclosed structure.
- (iv) No partially dismantled, wrecked, junked, or discarded vehicles, or vehicles that sit on one or more flat tires or are inoperable in any manner may be stored outside of the building or fenced-in area.
- (v) The sale of new or used vehicles is prohibited.
- (vi) No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.
- (vii) The buffer of a vehicle repair/service establishment adjoining a residential use must include an 8ft high masonry wall or composite fence.

23. *Vehicle Services: Major Repair/Body Work:*

Where allowed, whether as permitted or as a conditional use, all wrecked, salvage, or inoperable vehicles under repair shall be completely concealed from the surrounding properties. Furthermore, all conditions stipulated in Use Note 21(b) shall apply.

24. *Alcoholic Beverage Sales Store*

In the NC, HC, OTD, SC, and GC Districts, the alcoholic beverage sales store shall be subject to the Alcoholic Beverages regulations of the City of Olive Branch (see Chapter 5 of the Code of Ordinances of the City of Olive Branch, MS, of February 18, 2020, and any applicable amendments).

25. *Bar/Tavern/Lounges*

(a) In the GC and LI Districts, bar/tavern/lounges shall be subject to the Alcoholic Beverages regulations of the City of Olive Branch (see Chapter 5 of the Code of Ordinances of the City of Olive Branch, MS, of February 18, 2020, and any applicable amendments).

(b) In the HC, OTD, and SC Districts: in addition to meeting all conditions for a conditional use permit, the proposed bar/tavern/lounges shall be subject to the Alcoholic Beverages regulations of the City of Olive Branch (see Chapter 5 of the Code of Ordinances of the City of Olive Branch, MS, of February 18, 2020, and any applicable amendments).

26. *Cannabis Dispensary*

In all districts in which a cannabis dispensary may be permitted, the stipulations of the City of Olive Branch Ordinance regarding medical cannabis as approved by the Board of Aldermen on June 21, 2022, and/or as amended thereto shall apply.

27. *Convenience Store with Fuel Pumps:*

In the NC, HC, OTD, SC, GC, LI, and HI Districts: in addition to meeting all general criteria for conditional use permit, convenience store with fuel pumps may be permitted if it meets all of the following requirements:

- (a) The site shall be a “hard corner” at a signalized intersection;
- (b) There shall be no more than two (2) such stores located diagonally at a four-way intersection;
- (c) There shall be no more than one (1) such store at a T-Intersection;
- (d) At least one electric vehicle (EV) charging station shall be provided for each four (4) fueling pumps.
- (e) The Board of Adjustment may impose other conditions as necessary to foster public safety, health, and general welfare.

28. *Country Store:*

In the A- District, in addition to meeting general conditional use permit criteria, all bulk storage of flammable liquids must be underground and no less than 35ft from all property lines. Above ground farm fuel tanks, however, are allowed.

29. *Drive-Thru Facility:*

In the NC, HC, and GC Districts:

- (a) All drive-through facilities must provide a minimum of three stacking spaces per lane or bay unless additional stacking spaces are specifically required in Article XI of this Ordinance. Restaurants must provide a minimum of five stacking spaces per lane or bay. The City Engineer may require additional internal queuing and stacking spaces and other access points to prevent disruption of traffic flow on adjacent streets.
- (b) Stacking spaces provided for drive-through uses must be:
 - (i) A minimum of ten feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway/drive aisle, and 20 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.
 - (ii) Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through lane, such as a service window or car wash bay (this does not include a menuboard). Spaces must be placed in a single line behind each lane or bay.
- (c) All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods.
- (d) The minimum width for a drive through lane is ten feet.
- (e) All drive-through facilities, including but not limited to menuboards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-through facility, must be located to the side, corner side, or rear of the building.
- (f) If a bail out lane is provided, it must be a minimum width of ten feet in width and run parallel to the drive through lane. If such bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

30. *Mobile Home Sales, Service Repair & Storage Facility:*

In the C-2 and GC Districts: Mobile home sales, service repair and storage facilities include camping trailers, tents and touring vans but excludes a mobile home park or trailer park and the storage of damaged mobile homes.

31. *Mobile Food Vending*

In all districts in which mobile food vending may be allowed, whether as a permitted use or a conditional use, such use of the property shall be further subject to the following:

- (1) The mobile food truck shall be set up only on paved surface.
- (2) Driveways and drive aisles in the parking lot must be always unobstructed.
- (3) The property must maintain minimum required parking spaces unoccupied by the food truck(s)
- (4) At the time of obtaining a permit for the food vending, the vendor shall provide to the City of Olive Branch a notarized letter from the property owner consenting to the use of the property for mobile food vending.

32. *Retail, Specialty:*

In the O District: in addition to meeting all general conditional use permit criteria, the maximum floor area of the use shall not exceed 2,500sq ft.

33. *Civic, Social, and Fraternal Organizations:*

In the A District: in addition to meeting all conditional use permit criteria, the site for philanthropic institutions shall be at least 5ac and no more than 20 percent of the site area may be occupied by buildings.

34. *Hospitals:*

In the RMF District: in addition to meeting all conditional use permit criteria, the site shall be at least 5ac and no more than 40 percent of the site area may be occupied by buildings.

35. *Adult Entertainment:*

Where allowed, Adult Entertainment Establishments are subject to the distance restrictions and other requirements contained in the Adult Entertainment Establishments Ordinances (see Chapter 18, Article V of the Code of Ordinances of the City of Olive Branch).

36. *Recreation Facility, Indoor Private:*

In the NC District: Indoor private recreation facilities shall not include theaters, bowling alleys, and skating rinks.

37. *Recreation Facility, Outdoor:*

In the A-R District: In addition to meeting all general criteria for a conditional use permit, the site shall be no less than 5ac.

38. *Asphalt Plant:*

In the A-District: in addition to meeting general conditional use permit criteria, an asphalt plant may be permitted provided:

- (a) The plant is operated in conjunction with and on the same property as a gravel mining operation.
- (b) That the asphalt processing is conducted no closer than 300 feet of any adjacent property line, or 500 feet of any existing residential or commercial structure.
- (c) That a letter of credit is posted by the party conducting the asphalt processing to guarantee that City roads will be properly cared for and returned to City specifications as required by the City Engineer.
- (d) That all plant discharges must comply with individual environmental standards as determined by the City Engineer.

39. *Extraction of Minerals, including Sand and Gravel:*

In the A District and the HI District: In addition to meeting general criteria for a conditional use permit, the activity may only be permitted upon meeting the following additional conditions:

- (a) A letter of credit is posted by the party mining such minerals to guarantee:
 - (i) the refill of the pit within six months after excavation is completed so all banks have not more than a three to one slope, and
 - (ii) City roads will be properly cared for to deter dust and damage and will be returned to City specifications within six months after excavation is completed.
- (b) No material is extracted within 100 feet of the centerline of the City Road or within 50 feet of any property line.
- (c) No washing of gravel is permitted unless a filtration system, approved by the City Engineer, is provided to prevent pollution of nearby streams
- (d) No City roads will be travelled upon unless permission is granted by the board of aldermen for the use of such road.

40. *Mini-Warehouse:*

In the HC District and GC District: In addition to meeting all general criteria for a conditional use permit, a mini-warehouse shall meet the following requirements:

- (a) The site must contain a minimum of two acres, but no more than five acres.
- (b) The minimum distance between buildings shall be 25 feet.
- (c) One parking space for each 50 compartments must be provided.

- (d) All driveways, parking, loading and vehicle circulation areas shall be paved.
- (e) A minimum six-foot high composite fence shall be erected. A portion of the 50-foot front yard setback requirement for fences may be waived at the discretion of the Board of Adjustment.
- (f) Only one free standing sign, meeting the requirements of Article VIII, being monument style and no more than 12ft in height is allowed.
- (g) Only dead storage will be allowed; no transfer and storage business will be allowed.
- (h) No explosives, radioactive, or other hazardous material will be stored on the premises.
- (i) Other conditions deemed necessary and appropriate by the Board of Adjustment to uphold the intent of the comprehensive plan may be attached to any approval, including but not limited to lighting, screening, landscaping, architectural design, and live-in managers. Along with the conditional use application the applicants must submit to the board of adjustment staff a development plan showing the proposed buildings in relation to the property, ingress and egress, and architectural drawings of the buildings.

41. *Research and Development, Excluding Cannabis:*

In the O-District: research laboratories in addition to meeting all general criteria for a conditional use permit shall not exceed 2,500 sq. ft. of floor area.

42. *Storage: Warehouse/ Storage, Indoor:*

- (a) In the HC District: indoor storage warehouses shall not exceed 15,000 sq. ft. in floor area, excluding office space.
- (b) In the SC District: indoor storage warehouses shall not exceed 10,000 sq. ft. in floor area, excluding office space.
- (c) In the GC District: indoor storage warehouses shall not exceed 20,000 sq. ft. in floor area, excluding office space.

43. *Vehicle Impound Lots / Wrecker/Towing Services:*

Vehicles impound lots shall be construed to include wrecker/towing services, vehicle recovery and any major storage of equipment or damaged vehicles principally inoperable and stored for a limited period provided all vehicles are completely concealed from all surrounding property.

44. *Wholesaling and Distribution:*
In the HC and GC Districts: wholesale merchandising buildings shall not exceed 20,000sq ft in gross floor area.
45. *Airports and Landing Strips:*
Where permitted, airports and landing strips are required to comply with the regulations of the Federal Aviation Administration (FAA).
46. *Radio and Television Towers or Antennas or Earth Stations not Exceeding 35ft in Height:*
- (a) In the A-District: the setback shall be one (1) lineal foot from all adjacent property lines for every lineal foot of tower, antenna, or earth station height, plus one (1) additional foot.
 - (b) In the A-R, RE, SFR-30, SFR-20, SFR-15, SFR-12, SFR-10, SFR-8, SFR-6, SFR-6, RTH, RMF, NC, HC, GC, LI, and HI Districts: the setback shall be one (1) lineal foot from all adjacent property lines for every lineal foot of tower, antenna, or earth station height, plus one (1) additional foot. The number of antennas or tower structures shall be limited to no more than one (1).
47. *Radio and Television Towers or Antennas or Earth Stations, Other:*
- (a) “Radio and Television Towers or Antennas or Earth Stations, Other” applies to Radio and Television Towers or Antennas or Earth Stations exceeding 35ft in height or adjoining a residential district or where more than one antenna or tower structure is proposed.
 - (b) In all zoning districts requiring a conditional use permit: in addition to meeting all general conditional use permit criteria, the setback shall be one (1) lineal foot from all adjacent property lines for every lineal foot of tower, antenna, or earth station height, plus one additional foot and the number of antennas or tower structures shall be limited to no more than one (1).
48. *Small Cell Technology Facilities, New Support Structure:*
Application must meet all applicable requirements or stipulations of the Ordinance Adopting Regulations for Small Cell Technology Facilities in the City of Olive Branch, MS.
49. *Transportation Terminal / Tractor-Trailer & Cargo Container Storage Yard:*
In the LI and HI Districts: In addition to meeting all general criteria for a conditional use permit, a Transportation Terminal / Tractor-Trailer & Cargo Container Storage Yard shall likewise meet the following requirements:

- (a) The applicant shall submit a development plan for approval conforming to the requirements of the design review ordinance, except as the requirements of that ordinance may be amended by the specific provisions contained herein for the review and approval of the board of adjustment.
- (b) Twenty-four-hour, on-site management shall be provided, located in a permanent building conforming to the requirements of the design review ordinance. The board of adjustment may waive this provision upon the applicant demonstrating that alternate management and security provisions will be provided.
- (c) All areas used for access, maneuvering, standing, parking and/or display of vehicles, trucks, trailers, heavy equipment, and cargo containers shall be paved with Portland cement or asphaltic concrete surface, maintained for all-weather use, and so drained to prevent the sheet flow of water across sidewalks, public streets, or adjacent properties.
- (d) The party conducting the use shall submit a proposed truck route from and to the site for the conditional use permit, which shall be subject to the approval of the Board of Adjustment.
- (e) The party conducting the use shall be responsible for any off-site improvements (water, sanitary sewer, drainage, or road improvements), as determined by the City Engineer, required to make the subject site usable for the proposed use.
- (f) The party conducting the use shall submit a performance guarantee, acceptable to the City, in an amount and for a time period established by the City Engineer, to guarantee that the City streets are properly maintained to City specifications as long as the proposed use is operated from the subject site.
- (g) The subject site shall not be visible from any adjacent public street or residential area. Where the subject site is visible from the adjacent public street or residential area, an earthen berm sufficient in height to totally screen the site and any vehicles or containers stored thereon shall be provided, a minimum of 20 feet in height. The berm shall be stabilized and landscaped. A landscape plan for the berm shall be submitted for the review and approval of the board of adjustment.

50. Truck Stop:

In the LI and HI District: In addition to meeting all general requirements for a conditional use permit, a Truck Stop shall likewise meet the following requirements:

- (a) The site shall be at least three (3) ac. in size;
- (b) The site shall be located within half mile of a truck route or state or federal highway regardless of local truck route; and

- (c) The Board of Adjustment may impose other conditions as necessary to foster public safety, health, and general welfare.

Sec. 30. Transition to New Zoning Districts

A. *Translation:*

On the effective date of this Code, or as otherwise allowed by Article XIII, pending applications, land zoned with a zoning district classification from the previous zoning regulations shall be translated to one of the zoning district classifications in this Code as set forth in this Article V, Sec. 1 to Sec. 28. Table 5, Former to New Zoning Districts, summarizes the translation of the zoning districts used in the previous zoning regulations to the zoning districts used in this Ordinance.

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Table 5: Former to New Zoning Districts	
Former Zoning District	New Zoning District
<i>Agricultural District</i>	
A, Agricultural District	A – Agricultural District
<i>Residential Districts</i>	
AR, Agricultural Residential District	A-R – Agricultural Residential District R-E – Residential-Estate District
R-1, Single Family Residential District	SFR-30 – Single Family Residential 30 District
	SFR-20 – Single Family Residential 20 District
	SFR-15 – Single Family Residential 15 District
	SFR-12 – Single Family Residential 12 District
R-2, Single Family Residential District	SFR-10 – Single Family Residential 10 District
	SFR-8 – Single Family Residential 8 District
[None]	SFR-6 – Single Family Residential 6 District
[None]	SFR-4 – Single Family Residential 4 District
[None]	RTH – Residential Townhouse District
R-4, Multiple Family Residential District	RMF – Residential Multiple Family District
<i>Commercial Districts</i>	
O, Office District	O – Office District
C-1, Neighborhood Commercial District	NC – Neighborhood Commercial District
C-2, Highway Commercial District	HC – Highway Commercial District
C-3, General Commercial District	GC – General Commercial District
<i>Industrial Districts</i>	
M-1, Light Industrial District	LI – Light Industrial District
M-2, Heavy Industrial District	HI – Heavy Industrial District
<i>Special Districts</i>	
C-5, Old Towne District	OTD, Old Towne District
[None]	SC – Shopping Center District
[None]	P-I – Public-Institutional District
<i>Planned Development Districts</i>	
R-3, Planned Residential District	Other residential zoning districts (<i>approved project text, development completed</i>)
	PD (<i>approved project text, development uncompleted</i>)
C-4, Planned Commercial District	FPCD (<i>no approved project text, development uncompleted</i>)
	PD (<i>approved project text, development uncompleted</i>)
	Other zoning districts (<i>approved project text, development completed</i>)
M-3, Planned Industrial District	Other zoning districts (<i>approved project text, development completed</i>)
	PD (<i>approved project text, development uncompleted</i>)

B. *Violations*

Any violation of the previous zoning regulations and other development regulations replaced by these regulations shall continue to be a violation under this Ordinance, and be subject to the penalties set forth in Article XIII - Administration, unless the development complies with the express terms of this Ordinance.

C. *Pending Applications*

1. If an application for a development permit is accepted as complete before the date this Code is adopted or between the adoption date and effectiveness of the zoning map reflecting the new zoning districts, the application shall be reviewed and decided wholly in accordance with the prior development regulations in effect when the application was accepted.
2. To the extent a pending application for a development permit is approved in accordance with the prior regulations and proposes development that does not comply with this Code, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article IX, Nonconforming uses.

D. *Transition for Conditional Use Permits*

1. Upon effectiveness of this Ordinance, any land that was subject to a Conditional Use Permit that was approved prior to the effective date of this Ordinance shall continue to be governed by the conditions of the approved Conditional Use Permit, regardless of the property's designation on the Official Zoning Map containing the new zoning districts.
2. Upon the expiration of a conditional use permit, the stipulations of this Ordinance shall apply as follows:
 - a. A use that was granted a conditional use permit, but which becomes a permitted use under this Ordinance shall be a permitted use without requirement to renew the conditional use permit upon expiration.
 - b. A use that was granted a conditional use permit and is codified in this Ordinance as a conditional use shall require renewal of the conditional use permit upon expiration.
 - c. The conditional use permit of a use that is now prohibited in the new zoning district designation of the property (neither permitted by right nor as a conditional use) may be renewed by the Board of Adjustment if the Board determines that that use has not been detrimental to public health, safety, and general welfare during the validity of the conditional

use permit. If so renewed, the use shall be considered a legal, nonconforming use.

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Article VII

ACCESSORY BUILDINGS AND USES

Sec. 3: Accessory Dwelling Unit

Accessory dwelling units (ADU) are allowed by right or as conditional use in conjunction with all single-household dwelling units in the A, A-R, R-E, SFR-30, SFR-20, SFR-15, SFR-12, SFR-10 and PD (Planned Development, if approved in the project text) districts, subject to the following:

1. *Definition:* Accessory dwelling unit means a secondary dwelling unit either within a structure containing an existing single-household detached dwelling, or in a separate accessory structure on the same lot as the principal dwelling, for use as a dwelling unit.
2. *Distinction from other Accessory Buildings and Uses:* By the definition of accessory dwelling units, an ADU, from a use perspective, is distinguished from other accessory structures such as garages, carports, storage buildings, and pool houses by the fact that accessory dwelling units are used for residential habitation. A pool house, for example, may be equipped with a bathroom and kitchen; however it is not allowed to be equipped for residential habitation (no bedroom). If the pool house has a bedroom, it shall by definition be classified as an accessory dwelling unit.
3. *Purpose:* Accessory dwelling units are allowed in certain situations to:
 - (a) Create housing units while respecting the look and scale of single-household development;
 - (b) Support more efficient use of existing housing stock and infrastructure;
 - (c) Provide housing that responds to changing family needs and increasing housing cost;
 - (d) Provide accessible housing for seniors and persons with disabilities;
 - (e) Provide opportunities for aging in place.
4. *Administrative Approval:* Accessory dwelling units enclosed entirely within an existing home (without a visible above ground change to the size of the principal

structure) may be approved administratively by the Director of Planning & Development or designee.

5. *Conditional Use Permit:* Detached accessory dwelling units shall require a conditional use permit from the Board of Adjustment.
6. *Limitation in the SFR-15, SFR-12, and SFR-10 Districts:* In the SFR-15, SFR-12, and SFR-10 Districts, only an accessory dwelling unit enclosed entirely within the principal structure or the existing single-household unit may be permitted. A separate building for accessory dwelling unit purposes shall be prohibited.
7. *Compliance with Deed Restrictions and/or Homeowners Association Requirements:* It shall be the responsibility of the property owner to comply with any and all applicable deed restrictions and/or obtain any applicable homeowners association approvals.
8. *Lot:* An accessory dwelling unit shall not be established on a lot separate from that on which the principal structure is located. Such lot on which the accessory dwelling unit is located must be a platted, lot of record.
9. *Lot Coverage:* The lot coverage of all accessory structures must not exceed 10% of the total lot area.
10. *Conformance to Development Standards:* Any accessory dwelling unit must meet the same development standards required for the principal dwelling unit structure.
11. *Existing or new development on lot:* An accessory dwelling unit is allowed only on lots used or developed as one household dwelling units, regardless of the number of dwelling units allowed by zoning.
12. *Parking:* To avoid unwarranted parking on the street, one on-site parking space shall be required for an accessory dwelling unit. This parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. The required parking space may be in tandem with other required spaces, but must be identified on a site plan.
13. *Unit size and configuration:* Except as modified in subsection (14) herein, a detached accessory dwelling unit shall be no larger than 800 square feet or thirty percent of the size of the principal structure, whichever is greater. No accessory

dwelling unit shall be less than 250 square feet. For the purposes of this subsection, square footage calculations shall exclude any garage, porch or similar area.

14. *Unit size exception:* For a new accessory dwelling unit enclosed entirely within a structure containing an existing single-household unit, the accessory dwelling unit shall be no larger than the existing single-household dwelling unit.
15. *Number of accessory dwelling units per lot.* Only one accessory dwelling unit shall be allowed for each single-household dwelling unit.
16. *Owner occupancy.* The property owner, as reflected in title records and evidenced by vehicle registration or other similar means, must demonstrate to the approving authority that they will occupy either the principal dwelling unit or accessory dwelling unit.
17. *Design:* To preserve the appearance of the single-household dwelling, accessory dwelling units built as additions or separate structures shall be designed in the following manner:
 - (a) The design of the accessory dwelling unit shall be similar to the design of the principal dwelling unit by use of similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch.
 - (b) If the entrance to the accessory dwelling unit is visible from an adjacent street, it shall be designed in a manner as to be clearly subordinate to the entrance of the principal dwelling.
 - (c) Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors unless fencing or landscaping is provided which adequately accomplishes the same purpose.
18. *Outdoor Areas:* The site plan shall provide accessible outdoor space and landscaping for both the accessory dwelling unit and the principal dwelling unit.
19. *Utility Service Requirements:* Accessory dwelling units must be connected to the electric power, water and wastewater utilities of the principal dwelling unit and shall not have separate services except where the Building Official determines that separate utility meters are necessary to meet building and fire codes imperatives. Where the lot uses a subsurface sewage disposal system, however, the wastewater from the accessory dwelling unit may be disposed to a separate system on the lot subject to approval of the separate system by the Desoto County Health Department.

20. *Mobile homes prohibited:* Mobile homes, including other movable and habitable structures and vehicles such as campers, camper buses, travel trailers and recreational vehicles shall be strictly prohibited for use as an accessory dwelling unit.
21. *Certificate of Occupancy:* An occupancy certificate must be issued by the City of Olive Branch for any accessory dwelling unit. This certificate will only be granted to an accessory dwelling unit after it has been granted to the principal dwelling unit.

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ARTICLE XVIII

DENSITY AND BULK REGULATIONS FOR ALL ZONING DISTRICTS

Table 4: Density and Bulk Regulations								
District	Minimum Lot Requirements		Minimum Yard Setback ¹			Maximum Building Height (ft) ^{4, 10}	Maximum Gross Density (per acre)	Maximum Impervious Surface Ratio (ISR)
	Lot Area ²	Lot Width(ft)	Front (ft) ³	Side (ft)	Rear (ft)			
A	5ac ⁵	150	50	20	40	35 or 2½-stories	0.20du/ac ¹²	-
A-R	1.5 acre	110	50	20	35	35 or 2½-stories	0.67du/ac	-
R-E	1 acre	100	50	20	35	35 or 2½-stories	1du/ac	-
SFR-30	30,000sq ft	90	40	25	30	35 or 2½-stories	1.50du/ac	-
SFR-20	20,000sq ft	80	40	15	25	35 or 2½-stories	2.20du/ac	-
SFR-15	15,000sq ft	70	30	8 ^{6a}	20	35 or 2½-stories	2.90du/ac	-
SFR-12	12,000sq ft	65	25	5 ^{6b}	20	35 or 2½-stories	3.63du/ac	-
SFR-10	10,000sq ft	60	20	5 ^{6c}	20	35 or 2½-stories	4.35du/ac	-
SFR-8	8,000sq ft	50	SFD-20	5	20	35 or 2½-stories	5.45du/ac	Non single-family uses: 0.60
			SFA - 20	5	20			
			OTH-25	10	25			
SFR-6	6,000sq ft	45	SFD-15	5	15	35 or 2½-stories	7.25du/ac	Non single-family uses: 0.60
			SFA - 15	5	15			
			OTH-25	5	25			
SFR-4	4,500sq ft	40	15	3 ^{6d}	15	35 or 2½-stories	8.00du/ac	-
RTH	2,500sq ft/unit	25	30	10	30	35 or 2½-stories	8.00du/ac	-
RMF			35	8 ^{6e}	30	40 or 3 stories	15du/ac	
O	None	None	50	5 ⁷	20	35 or 2 stories	-	0.65
NC	None	None	50	None ⁷	20	35 or 2 stories	-	0.65
HC	None	None	50	None ⁷	20	60 or 4 stories	-	0.75
OTD	None	None	None	None	None	Variable ¹¹	-	-
SC	5 acres	None	50	None ⁸	20	60 or 4 stories	-	0.80
GC	None	None	50	None ⁷	20	35 or 3 stories ⁹	-	0.80
P-I	None	None	50	None ⁸	20	60 or 4 stories	-	0.80
LI	None	None	50	10	20	35 ⁹	-	0.80
HI	None	None	50	25	20	35 ⁹	-	0.80
FCD	5 acres	As Approved by Board of Aldermen in PD Plan						
PD								

Key: "SFD" – Single Family Detached; "SFA" – Single Family Attached; "OTH" Other Allowed Uses

Notes to the Density and Bulk Regulations for All Zoning Districts

1. *Minimum Yard Requirements:*

- (a) Where setbacks in Table 4 “Density and Bulk Regulations” differ from that on recorded subdivision plats, the setbacks on the recorded plats shall rule.
- (b) Where a permitted use of land involves no structures, such use, excluding agricultural uses, shall nonetheless comply with all yards and minimum lot area requirements applicable to the district in which it is located, as well as obtaining any other license or permit applicable to the particular use.
- (c) For a residential PD, and in all commercial and industrial Districts, there may be two or more related buildings on a lot, provided that: (a) the required yards are maintained around the group of buildings, and (b) buildings that are parallel or that are within 45 degrees of being parallel are separated by a horizontal distance that is equal to the height of the highest building.
- (d) Those parts of existing buildings that violate yard height regulations may be repaired or remodeled but not reconstructed or structurally altered.
- (e) Front yards in all districts shall remain open to the sky and unobstructed from the ground upward except for the projection from buildings permitted by this ordinance.
- (f) When the street upon which a lot fronts has an existing right-of-way less than that designated on the major thoroughfare plan and has been designated a major arterial street in the major thoroughfare plan, consultation shall be made with the (City) engineer to determine the building setback line, so as to take into consideration the proposed right-of-way of the major street.
- (g) Where commercially zoned or industrially zoned property adjoins residentially zoned property, prior to the issuance of a building permit, a screening barrier will be erected by the developers of the commercial or industrial property which separates the adjoining yards and adequately screens the residential uses from any noise, sight, sound, odor, or other noxious offense which might be created by the commercial or industrial property use. Refer to plates [in the appendix to this appendix] for guidelines on screening between residential and commercial, industrial uses.

2. *Lot Area:*

When water and sewer service are not available, the following conditions shall apply:

- (a) The lot area requirements listed below apply in all districts where both water and sewer service are not adjacent to the lot.
 - (i) In subdivisions having three lots or less: with central water, one acre
 - (ii) In all other subdivisions: 1½ acres
 - (iii) Other standards for the districts shown on the density and bulk regulations for all districts table (Table 4) will apply.
- (b) No building permits shall be issued for a building or facility on a lot approved by the City unless the sewage therefrom shall be collected and treated by a central system (and not a septic tank) or unless the county health department approves in writing the use of an on-site disposal system.

3. *Front Setback:*

- (a) On double frontage lots and corner lots, the required front yards shall be provided on both streets.
- (b) The minimum front yard setback for any structure or use located on a lot where the average front yard setback of existing structures on the same side of the street within 200 feet, in either direction from the subject parcel, is less than what is required by this Code, the required setback shall be the average setback of said structures.
- (c) The front setback of a flag lot shall be measured from the line of the flag closest to the public street (not the pole or stem).

4. *Maximum Building Height:*

Height limitations shall not apply to, or, be subject to the following:

- (a) Chimneys, church steeples, cooling towers, elevator bulkheads, radio, television and microwave antennas and towers, fire towers, monuments, stage towers, scenery lofts, water tanks, silos, grain elevators, farm buildings, and necessary mechanical appurtenances.
- (b) Storage buildings are exempt from the story limitation, but not the number of feet limitation.

- (c) If a public building, church, temple, hospital, institution, or school is set back an additional distance over yards required for the zone district in which it is located, it may be increased in height one foot over the height limit of 35 feet for each foot of such additional setback.
- (d) No building permit shall be issued for any structure that is deemed a hazard to air navigation by the Federal Aviation Administration (FAA).

5. *Lot Area in A-District:*

In the A agricultural district there may be more than one residential structure on a lot, provided that:

- (a) The structures are situated on the property such that all requirements for an actual subdivided lot are met;
- (b) All property and all structures thereon is [are] vested in single ownership.

6. *Side Yard Setback in the SFR-15, SFR-12, SFR-10, and RMF Districts:*

- (a) In the SFR-15 District: there shall be provided two side yards, with minimum widths of seven feet; however, the sum of the widths of both side yards shall be at least 20 feet.
- (b) In the SFR-12 District: there shall be provided two side yards, with minimum widths of five feet; however, the sum of the widths of both side yards shall be at least 15 feet.
- (c) In the SFR-10 District: there shall be provided two side yards, with minimum widths of five feet; the sum of the widths of both side yards shall be at least 12 feet.
- (d) In the SFR-4 District: there shall be provided two side yards, with minimum widths of three feet; the sum of the widths of both side yards shall be at least 10 feet.
- (e) In the RMF District: There shall be provided two side yards, with minimum widths of 8 feet; however, the sum of the widths of both side yards shall be at least 20 feet.

7. *Side Yard Setback in the O, NC, HC, and GC Districts:*

On a lot abutting a residential district there shall be the same side yard as required in the residential district. No building shall be located nearer than 50 feet

to a road right-of-way. Buffer yard landscaping shall be provided as stipulated in the Design Review Ordinance of the City of Olive Branch, MS.

8. *Side Yard Setback in the SC and P-I Districts:*

On a lot abutting a residential district or property, the minimum side yard setback from the residential property or district shall be 20ft. However, if the residential district or property requires a greater setback, there shall be the same side yard as required in the residential district.

9. *Building Height in the GC, LI, and HI Districts:*

In the GC, LI, and HI districts, buildings may be erected to ten stories or 120 feet provided that any building that exceeds 35 feet in height shall be set back from all required yard lines one foot for each foot the building exceeds 35 feet in height.

10. *Exceptions to Yard Requirements:*

The following exceptions may be made to the yard requirements:

- (a) In lots of record which do not meet the minimum width requirements, the side yard may be reduced to ten percent of the lot width but not to less than three feet.
- (b) Sills, belt course, cornices, and ornamental features may project a maximum of two feet into a required yard.
- (c) Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys into a rear yard for a distance of not more than three and one-half feet, when so placed as to not obstruct light and ventilation, may be permitted by the building official.
- (d) Terraces or patios which are uncovered and not above the level of the first floor may project into a required yard, provided these projections be distant at least two feet from the adjacent lot line.
- (e) Where a garage is entered from an alley, it must be a minimum of twenty feet from the alley line.
- (f) Filling station or Convenience Store gasoline pumps and service islands must be set back a minimum of 35 feet from the street right-of-way line. The front edge of a service station canopy sheltering service islands must be set back a minimum of 20 feet from the street or right-of-way line.

(g) The use of any yard area for the accumulation of used, discarded, or worn-out materials or manufactured products which may or may not be reusable or saleable is expressly prohibited. Likewise, junk cars as defined herein are expressly prohibited from being located in any yard areas.

11. *Maximum Height of Buildings in the Old Towne District (OTD):*

The ground elevation of the OTD decreases significantly from Pigeon Roost Rd to Hwy 78. The OTD, therefore, permits variable heights of buildings, provided, however, that the roofline of no building shall be higher than a 35ft vertical elevation measured at the center of the intersection of Pigeon Roost Rd and Old Goodman Rd.

12. *Maximum Density in the A-District:*

For a clustered development pattern that conserves and preserves “as a matter of record” at least 50% of the property as usable open space or environmentally sensitive area, the net density of the PD may be increased to at most 1 du/ac.

END

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