



Carthage

Zoning Ordinance

ADOPTED
MAY 6, 2013

PREPARED BY:



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Mayor's Office

Carthage Zoning Ordinance – Table of Contents

Article I – Introductory and Legal Provisions.....	I-1
Section 100 – Title	I-1
Section 101 – Purpose.....	I-1
Section 102 – Provisions of Ordinance declared to be minimum requirements	I-1
Section 103 – Omission Clause	I-1
Section 104 – Severability Clause.....	I-1
Section 105 – Repeal of Conflicting Ordinances.....	I-1
Section 106 – Failure to Enforce Ordinance.....	I-1
Section 107 – Complaints regarding violations.....	I-2
Section 108 – Penalties for violation.....	I-2
Section 109 – Adoption Clause	I-2
Article II – General Regulations	II-1
Section 200 – Application of District Regulations	II-1
Section 201 – Visibility at intersections in residential districts	II-1
Section 202 – Fences, Walls, and Hedges	II-1
Section 203 – Accessory Buildings and Uses	II
Section 204 – Erection of more than one principal structure on a lot	II-1
Section 205 – Exceptions to height regulations	II-1
Section 206 – Structures to have access	II-1
Section 207 – Parking and storage of certain vehicles	II-2
Section 208 – Uniformity within districts.....	II-2
Section 209 – Front yards on corner lots.....	II-2
Section 210 – Determination of setbacks.....	II-2
Section 211 – Public/Quasi-public facilities and utilities.....	II-2
Section 212 – Conformance with Subdivision Regulations	II-2
Section 213 – Prohibited Uses	II-2
Section 214 – Materials and growth constituting a menace prohibited.....	II-3
Section 215 – Metal building design	II-3
Section 216 – Swimming pools.....	II-3
Section 217 – Satellite dishes	II-3
Section 218 – Extraction of Minerals	II-3
Section 219 – Home Occupations	I

Article III – Establishment of Zoning Districts.....	III-1
Section 300 – Official Zoning Map.....	III-1
Section 301 – Replacement of Official Zoning Map	III-1
Section 302 – Rules for Interpretation of District Boundaries.....	III-2
Section 303 – Schedule of District Regulations.....	III-2
Section 304 – A-1 Agricultural District	III-3
Section 305 – R-1 Single Family Residential District	III-5
Section 306 – R-2 Single Family Residential District	III-7
Section 307 – R-3 Single Family/Multiple Family Residential District.....	III-9
Section 308 – R-4 Multiple Family Residential District.....	III-11
Section 309 – MHP Manufactured Home Park.....	III-13
Section 310 – PUD Planned Unit Development.....	III-16
Section 311 – C-1 Central Business District.....	III-18
Section 312 – C-2 Neighborhood Commercial District	III-20
Section 313 – C-3 Highway Commercial District	III-22
Section 314 – I-1 Light Industrial District.....	III-24
Section 315 – I-2 Light Industrial District.....	III-26
Section 316 – HD Historic District Overlay.....	III-28
Section 317 – FP Floodplain Protection Overlay.....	III-32
Article IV – Off-Street Parking Provisions	IV-1
Section 400 – Off-Street Parking Spaces.....	IV-1
Section 401 – Curb-cuts and Accessways.....	IV-1
Section 402 – Paving Requirements.....	IV-1
Section 403 – Landscaping Requirements.....	IV-1
Article V – Landscaping Standards.....	V-1
Section 500 – Purpose and Intent	V-1
Section 501 – Applicability.....	V-1
Section 502 – Open Lot Area Landscaping	V-1
Section 503 – Streetscape Landscaping.....	V-1
Section 504 – Parking Lot Landscaping.....	V-2
Section 505 – Bufferyard Landscaping.....	V-3
Section 506 – Material Standards.....	V-3
Section 507 – Landscape Plan Requirements.....	V-4

Article VI – Nonconformities.....	VI-1
Section 600 – General Provisions	VI-1
Section 601 – Nonconforming Uses.....	VI-1
Section 602 – Nonconforming Structures.....	VI-2
Section 603 – Nonconforming Lots.....	VI-2
Article VII – Special Exception Procedure and Criteria.....	VII-1
Section 700 – General Provisions	VII-1
Section 701 – Procedure.....	VII-1
Section 702 – Review Criteria.....	VII-1
Section 703 – Public Notification and Public Hearing.....	VII-2
Article VIII – Variance Procedure and Criteria.....	VIII-1
Section 800 – General Provisions	VIII-1
Section 801 – Procedure.....	VIII-1
Section 802 – Review Criteria.....	VIII-2
Section 803 – Public Notification and Public Hearing.....	VIII-2
Article IX – Zoning Amendment Procedure and Criteria	IX
Section 900 – General Provisions	IX-1
Section 901 – Procedure for Text Amendments.....	IX-1
Section 902 – Procedure for Map Amendments	IX-1
Section 903 – Review Criteria.....	IX-2
Section 904 – Public Notification and Public Hearing.....	IX-2
Section 905 – Majority vote required.....	IX-2
Article X – Administration and Enforcement.....	X-1
Section 1000 – Purpose and Intent.....	X-1
Section 1001 – Building Permits and Certificates of Occupancy.....	X-1
Section 1002 – Duties of the Building Official.....	X-3
Section 1003 – Site Plan Requirements	X-4
Section 1004 – Duties of the Board of Adjustment	X-4
Section 1005 – Duties of the Planning Commission.....	X-5
Section 1006 – Duties of the Mayor and Board of Aldermen.....	X-5
Section 1007 – Enforcement and Appeal Process	X-5
Section 1008 – Schedule of fees, charges, and expenses.....	λ

Article XI – Definitions and Interpretation.....	XI-1
Section 1100 – Interpretation.....	XI-1
Section 1101 – Definitions.....	XI-1
Appendix A – Bulk Regulation Chart.....	
Appendix B – Permitted Uses Chart.....	
Appendix C – Landscape Plate Chart.....	
Appendix D – Landscape Plate Details.....	

Article I – Introductory and Legal Provisions

Section 100 – Title

The Ordinance shall be known as the "Zoning Ordinance of the City of Carthage, Mississippi", and may be so cited, and when referenced elsewhere as "Zoning Ordinance", and herein as "the Ordinance" shall imply the same wording and meaning as the full text.

Section 101 – Purpose

This Zoning Ordinance has been prepared in accordance with the City of Carthage's Comprehensive Plan. The purpose of this Ordinance is to preserve and promote the public health, safety, morals, and general welfare of the inhabitants of the City of Carthage and of the public generally through the regulation of the location, height, number of stories, size of buildings and other structures; the density and distribution of population, size of yards and other open spaces; and the use of buildings, structures, and land for commercial, industrial, residential, and other purposes.

In addition to the overall purpose of this Ordinance, the City of Carthage also recognizes more specific purposes with reasonable consideration to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land:

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

Section 102 – Provisions of Ordinance declared to be minimum requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or those imposing the higher standard shall govern.

Section 103 – Omission Clause

The omission of any specific use, dimension, word, phrase, or other provision from this Ordinance shall not be interpreted as permitting any variation from the general meaning or intent of this Ordinance, as commonly inferred or interpreted.

Section 104 – Severability Clause

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

Section 105 – Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective on _____.

Section 106 – Failure to Enforce Ordinance

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

Section 107 - Complaints regarding violations

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

Section 108 - Penalties for violation

Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction be fined not more than \$100.00 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

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

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

Section 109 - Adoption Clause

Be it ordained by the Mayor and Board of Aldermen of the City of Carthage, Mississippi, in regular meeting, as follows, to-wit:

That it is decidedly in the best interest, safety and welfare of the citizens of the City of Carthage, Mississippi, that this Ordinance shall be in full force and effect immediately for and after its passage.

Having first been reduced to writing, the foregoing ordinance was read aloud and considered Section by Section and as a whole by the Mayor and Board of Aldermen of the City of Carthage, Mississippi, and there was a motion made by Alderman Britt Barnes and seconded by Alderman David Herrington that the same be adopted by the Mayor and Board of Aldermen of the City of Carthage, Mississippi; and upon roll call vote, the Aldermen voted as follows, to-wit:

Aldermen Voting "AYE"


- 1 Britt Barnes
- 2 David Cockroft
- 3 Terry Jones
- 4 David Herrington


Aldermen Voting "NAY"

And the Mayor declared the Ordinance duly adopted.

Adopted this, 6th day of May, 2013, at the regular meeting of the Mayor and Board of Aldermen of the City of Carthage, Mississippi.

ATTEST:


Jan Wilcher, City Clerk


Jimmy Wallace, Mayor

I, the undersigned _____, City Clerk of the City of Carthage, Mississippi, hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Mayor and Board of Aldermen of the City of Carthage at its meeting held on _____ and recorded on pages _____ of the Minutes of said Board and recorded in the Ordinance Book of the City of Carthage at pages _____ thereof.

Given under my hand and official seal, this the _____ day of _____, 2013.

(SEAL)

Jan Wilcher, City Clerk
Carthage, Mississippi

Section 200 - Application of District Regulations

The regulations set by this Ordinance within each district shall be minimum regulations, unless otherwise noted, and shall apply uniformly and particularly to each class or kind of structure or land, except as hereinafter provided:

1. No building, structure or land shall hereafter be used, occupied, erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations of this Ordinance specified for the district in which it is located.
2. No part of a setback, yard, or open space required in connection with any building for the purpose of complying with this Ordinance shall be included as part of a setback yard, or open space similarly required for any other property.
3. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
4. All territory which may hereafter be annexed into the City shall be subject to the procedural regulations regarding the creation of zoning districts and subsequent changes thereof.

Section 201 - Visibility at intersections in residential districts

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2.5) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of intersection.

Section 202 - Fences, Walls, and Hedges

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted within any required setback, or along the edge of any setback, provided that no fence, wall or hedge along the front setback shall be over two and one-half (2.5) feet in height. Fences greater than two and one-half (2.5) feet in height shall be located even with the front plane of the house or behind the front plane of the house.

Section 203 - Accessory Buildings and Uses

No accessory building or use shall be erected in any required front or side setback of any principal building. An accessory building may be placed in the required rear setback of any principal building or use provided that it is placed no less than five (5) feet from any other building or use and must be at least ten (10) feet from the rear property line. Only one accessory building may be located or constructed on a lot housing a permitted principal use.

Section 204 - Erection of more than one principal structure on a lot

In any district, no more than one structure housing a permitted principal use may be erected on a single lot.

Section 205 - Exceptions to height regulations

The height limitations contained in the Bulk Regulations in Article III do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 206 - Structures to have access

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

Section 207 - Parking and storage of certain vehicles

Automotive vehicles or trailers of any kind or type without current license plates and safety inspection stickers shall not be parked or stored on any residentially zoned property unless such vehicles are not visible from the street, nor shall such vehicles be parked on the street.

Section 208 - Uniformity within districts

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

Section 209 - Front yards on corner lots

On corner lots, each side fronting on a street shall be considered a front yard, and the required front yard setback shall be measured from each existing or proposed right-of-way upon which the lot abuts.

Section 210 - Determination of setbacks

In measuring a required front yard setback, the minimum horizontal distance between the existing or proposed right-of-way line and the main structure shall be used. The required setback line shall be measured from the existing or proposed right-of-way line (or lines for corner lots), which shall be determined by the *Thoroughfares Plan of the City of Carthage*. If a proposed street is not functionally classified by the adopted *Thoroughfares Plan*, the functional classification of said street shall be determined by the Planning Commission during the Preliminary Plat review process for the proposed subdivision, or during the review process by the Building Inspector for developments not involving a subdivision of land. Side and rear setbacks shall be offset from property lines.

Section 211 - Public/Quasi-public facilities and utilities

All public and quasi-public facilities and utilities, as defined in Article XI of this Ordinance, may be located in any district in the City, provided (1) that all applicable requirements of federal, state, county or city laws are met and (2) that all such proposed uses shall be subject to the procedures in Article VII relative to Special Exceptions. However, no public or quasi-public facility or utility shall be located in a residential district or other district where such land use would adversely affect the surrounding area.

Section 212 - Conformance with Subdivision Regulations

No building shall be constructed on any lot which does not conform to the provisions of the Subdivision Regulations of the City of Carthage.

Section 213 - Prohibited Uses

Article III and Appendix B outline prohibited uses in detail for each zoning district. Specific uses not listed within this ordinance shall not be expressly prohibited. Any uses not specifically permitted by right or permitted by special exception may be reviewed for special approval by the Board of Adjustment as outlined in Article VII.

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

Section 214 – Materials and growth constituting a menace prohibited

No rubbish, salvage materials, junk or hazardous waste materials, including inoperable vehicles and parts and any combustible matter, shall be openly stored, allowed to accumulate or kept in the open; and no weeds or other growth shall be allowed to go uncut within any district when the same shall be determined by the appropriate City Official (Building Inspector, Fire Chief, or other authorized City employee) or health official, to constitute a menace.

Section 215 – Metal building design

Any metal building operating a commercial use shall have a front façade (the side facing the street) of a non-metal material, such as wood, vinyl, masonry or brick.

Section 216 – Swimming pools

Swimming pools are permitted accessory uses as defined in Article III provided they are located behind the front setback. There shall be a minimum of twenty (20) feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools must be completely surrounded by a fence at least four (4) feet in height, and all gates must be able to be locked.

Section 217 – Satellite dishes

Satellite dishes are permitted anywhere on the lot except within required front and side yard setbacks.

Section 218 – Extraction of minerals

Extraction of minerals, including sand, dirt, and gravel, shall not be accomplished without first obtaining a building permit. The Building Inspector shall issue the permit only after being satisfied that the resulting change of grade in the affected area will not be against the best interest of the community. Careful attention will be paid to the problems of erosion of soil, and if necessary, reclamation will be required. The provisions of this Subsection shall not be construed to prohibit excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this Ordinance.

Section 219 – Home Occupations

Home occupations, as defined in Article XI of this Ordinance, are permitted in any district where residential uses are allowed if a building permit or change of use permit (certificate of occupancy) is issued. Home occupations are subject to the following limitations:

1. **Minimum area:** Not more than twenty-five (25) percent of the floor area of the dwelling shall be used for the conduct of the home occupation. Any accessory building used in conjunction with the home occupation shall not exceed 500 square feet.
2. **Building Character:** The residential character of the lot and dwelling shall be maintained. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to require compliance with non-residential construction codes to accommodate the home occupation.
3. **Traffic and parking restrictions:** No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation shall be met off the street and outside of the building setbacks.
4. **Exterior lighting:** There shall be no exterior lighting which would indicate that the dwelling and/or accessory building is being utilized in whole or in part for any purpose other than residential.

5. **Display and storage:** No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation shall be visible from the outside of any structure located on the premise.
6. **Signs:** One, unilluminated, non-reflectorized name plate may be allowed per dwelling, provided that the name plate is not larger than two square feet in area.
7. **Non-resident employees:** No non-resident employee (person not residing on the same premises with the operator) shall be employed in connection with any home occupation.
8. **Other provisions:** No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, x-rays, hazardous materials, or odors detectable to the normal senses outside of the dwelling unit or accessory building in which the occupation is conducted. No equipment or process shall be used in any home occupation which creates visual or audible electrical interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Section 300 – Official Zoning Map

The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which is hereby adopted by reference and declared to be part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, identified by the date of the adoption of this Ordinance and bearing the seal of the City under the following words:

"This is to certify that this is the Official Zoning Map referred to in Section 300 of the Zoning Ordinance of the City of Carthage, Mississippi"

If, in accordance with the provisions of this Ordinance, changes are made to district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Mayor and Board of Aldermen with an entry on the Official Zoning Map as follows:

"On (date) , by official action of the Board of Aldermen the following (change) changes were made on the Official Zoning Map: (brief description of nature of change) which entry shall be signed by the Mayor and attested by the City Clerk."

No amendment to this Ordinance which involves the matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set for in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 108.

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

Section 301 – Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board may by resolution adopt a new Official Zoning Map and any subsequent amendment thereof. The new Official Zoning Map shall be identified by signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance Number of the City of Carthage, Mississippi".

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 302 – Rules for Interpretation of District Boundaries

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of shoreline changes, boundaries shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of shall be so construed.
7. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries.
9. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

Section 303 – Schedule of District Regulations

Regulations for each zoning district shall be as determined in this Article and those additional general or supplemental regulations in other parts of this Ordinance. District regulations within this Article shall not be construed to be all encompassing.

Schedule of District Regulations

A-1	Agricultural District
R-1	Single Family Residential District
R-2	Single Family Residential District
R-3	Single Family/Multiple Family Residential District
R-4	Multiple Family Residential District
MHP	Manufactured Home Park
PUD	Planned Unit Development
C-1	Central Business District
C-2	Neighborhood Commercial
C-3	Highway Commercial
I-1	Light Industrial
I-2	Heavy Industrial
HD	Historic District Overlay
FP	Flood Protection Overlay

Agricultural District

The Agricultural District is intended to provide an area for agricultural and horticultural uses. This area is characterized by low density development, open spaces, and non-intensive rural use. The purpose of this district is to preserve such uses and/or protect such uses from urbanization until such time when a more intensive use may be warranted.

The following uses are regulated by the Agricultural District:

Permitted Principal Uses ¹

- 1 Single-family detached dwelling
- 2 Agricultural activities
- 3 Assembly facilities
- 4 Cemeteries
- 5 Country clubs
- 6 Forestry activities
- 7 Greenhouses
- 8 Golf courses
- 9 Horticultural uses, on-premise sales
- 10 Horticultural uses, no on-premise sales
- 11 Landscape nurseries
- 12 Keeping of livestock and fowl ³
- 13 Recreation facilities
- 14 Schools
- 15 Other public and private open space and related activities

Special Exception Uses ²

- 1 Bed and Breakfast
- 2 Child day care facility, either commercial or non-commercial
- 3 Home Occupations, See Section 219
- 4 Radio/television studio
- 5 Radio/television transmitting station
- 6 Veterinary hospital ³
- 7 Veterinary kennel ³
- 8 Public or quasi-public facilities and utilities ¹
- 9 Extraction of minerals including sand, dirt, and gravel ¹
- 10 Communication Towers

Permitted Accessory Uses ¹

- 1 Swimming pool
- 2 Tennis court
- 3 Garden or greenhouse
- 4 Detached garage
- 5 Satellite dish
- 6 Residential storage building
- 7 Accessory dwelling unit/mother-in-law suite
- 8 Any accessory use or structure customary and incidental to the principal use

Prohibited Uses

- 1 Manufactured home
- 2 Modular home
- 3 All uses and structures not permitted by right or permitted by exception

Notes:

- ¹ See Article II and Appendix B for additional regulations
- ² See Article VII for additional regulations and procedures for special exceptions
- ³ As permitted by the Carthage Animal Control Ordinance and Dangerous Dog Ordinance

Development in the Agricultural District is regulated by the following:

Bulk Regulations

Minimum Lot Size:	1 acre
Minimum Lot Width:	150 feet
Minimum Front Setback:	35 feet
Minimum Side Setback:	15 feet
Minimum Rear Setback:	30 feet
Max. Building Height:	40 feet
Maximum Density:	1 du/ac

Site Plan Required for Non-Residential and Civic uses

Refer to more detailed site plan requirements outlined in Section 1003.

Parking Requirements

Refer to additional and more detailed parking and landscaping regulations outlined in Article IV.

Residential:	2 spaces per unit
Commercial:	1 space per 200 square feet of floor area
Assembly facilities:	1 space per 5 seats in the main assembly hall

Bufferyard Requirements (for Non-Residential and Civic uses adjacent to Residential uses)

Refer to additional and more detailed bufferyard regulations as outlined in Article V.

Streetscape:	15 feet	Landscape Plate A
Side/Rear Bufferyard:	10 feet	Landscape Plate E

This residential district is intended to provide for certain areas reserved exclusively for single family residential uses. It is the purpose of this Ordinance to protect existing residential uses from encroachment by other uses, and the intent that new developments be constructed according to sound, reasonable, and desirable standards and be located in the most appropriate environment.

The following uses are regulated by this Single Family Residential District:

Permitted Principal Uses ¹

- 1 Single-family detached dwellings

Permitted Accessory Uses ¹

- 1 Swimming pool
- 2 Tennis court
- 3 Garden or greenhouse
- 4 Detached garage
- 5 Satellite dish
- 6 Residential storage building
- 7 Any accessory use or structure customary and incidental to the principal use

Prohibited Uses

- 1 Manufactured homes ✓
- 2 Modular homes ✓
- 3 Retail/Commercial uses
- 4 All other uses and structures not permitted by right or permitted by exception

Special Exception Uses ²

- 1 Accessory dwelling unit/mother-in-law suite
- 2 Assembly facilities
- 3 Bed and Breakfast
- 4 Cemeteries
- 5 Child day care facility, non-commercial
- 6 Country clubs
- 7 Golf courses
- 8 Home Occupations, See Section 219
- 9 Keeping of livestock and fowl ⁴
- 10 Medical, dental, law and professional offices ³
- 11 Recreation facilities
- 12 Schools
- 13 Other public and private open space and related activities
- 14 Public or quasi-public facilities and utilities ¹

Notes:

- ¹ See Article II and Appendix B for additional regulations
- ² See Article VII for additional regulations and procedures for special exceptions
- ³ Uses are allowed specifically for the conversion of single-family homes into offices and shall front arterial or collector streets as defined in the Transportation Plan for the City.
- ⁴ As permitted by the Carthage Animal Control Ordinance and the Dangerous Dog Ordinance

Development in this Single Family Residential District is regulated by the following:

Bulk Regulations

Minimum Lot Size:	10,000 square feet		
Minimum Lot Width:	75 feet	Maximum Building Height:	40 feet
Minimum Front Setback:	25 feet	Maximum Density:	4.4 du/ac
Minimum Side Setback:	10 feet		
Minimum Rear Setback:	20 feet		

Site Plan Required for Non-Residential and Civic uses

Refer to more detailed site plan requirements outlined in Section 1003.

Parking Requirements

Refer to additional and more detailed parking and landscaping regulations outlined in Article IV.

Residential:	2 spaces per unit
Office:	1 space per 300 square feet of floor area
Assembly facilities:	1 space per 5 seats in the main assembly hall

Bufferyard Requirements

Refer to additional and more detailed bufferyard regulations as outlined in Article V.

R-1 Subdivision Residential uses:

Streetscape:	20 feet	Landscape Plate C
Side/Rear Bufferyard:	10 feet	Landscape Plate E

Non-Residential uses adjacent to Residential:

Streetscape:	15 feet	Landscape Plate A
Side/Rear Bufferyard:	10 feet	Landscape Plate E

This residential district is intended to provide for certain areas reserved exclusively for single family residential uses. It is the purpose of this Ordinance to protect existing residential uses from encroachment by other uses, and the intent that new developments be constructed according to sound, reasonable, and desirable standards and be located in the most appropriate environment.

The following uses are regulated by this Single Family Residential District:

Permitted Principal Uses¹

- 1 Single-family detached dwellings
- 2 Patio homes/Zero lotline homes³

Permitted Accessory Uses¹

- 1 Swimming pool
- 2 Tennis court
- 3 Garden or greenhouse
- 4 Detached garage
- 5 Satellite dish
- 6 Residential storage building
- 7 Any accessory use or structure customary and incidental to the principal use

Special Exception Uses²

- 1 Accessory dwelling unit/mother-in-law suite
- 2 Assembly facilities
- 3 Bed and Breakfast
- 4 Child day care facility, non-commercial
- 5 Home Occupations, See Section 219
- 6 Medical, dental, law and professional offices⁵
- 7 Recreation facilities
- 8 Schools
- 9 Other public and private open space and related activities
- 10 Public or quasi-public facilities and utilities¹

Prohibited Uses

- 1 Manufactured homes
- 2 Modular homes
- 3 Retail/Commercial uses
- 4 Cemetery
- 5 All other uses and structures not permitted by right or permitted by exception

Notes:

- ¹ See Article II and Appendix B for additional regulations
- ² See Article VII for additional regulations and procedures for special exceptions
- ³ Zero lotline developments shall be flushed in the same direction
- ⁴ Uses are allowed specifically for the conversion of single-family homes into offices and shall front arterial or collector streets as defined in the Transportation Plan for the City.

Single Family Residential District

P-2

Development in this Single Family Residential District is regulated by the following:

Bulk Regulations

Minimum Lot Size:	7,500 square feet		
Minimum Lot Width:	60 feet	Maximum Building Height:	40 feet
Minimum Front Setback:	20 feet	Maximum Density:	5.8 du/ac
Minimum Side Setback:	5 feet		
Min. Side Setback Patio Homes:	0/10 feet		
Minimum Rear Setback:	20 feet		

Site Plan Required for Non-Residential and Civic uses and Zero Lotline Developments

Refer to more detailed site plan requirements outlined in Section 1003.

Parking Requirements

Refer to additional and more detailed parking and landscaping regulations outlined in Article IV.

Residential:	2 spaces per unit
Office:	1 space per 300 square feet of floor area
Assembly facilities:	1 space per 5 seats in the main assembly hall

Bufferyard Requirements

Refer to additional and more detailed bufferyard regulations as outlined in Article V.

R-2 Subdivision Residential uses:

Streetscape:	20 feet	Landscape Plate C
Side/Rear Bufferyard:	10 feet	Landscape Plate E

Non-Residential uses adjacent to Residential:

Streetscape:	15 feet	Landscape Plate A
Side/Rear Bufferyard:	10 feet	Landscape Plate E

Single Family/Multiple Family Residential District

R-3

This purpose of this district is to provide areas for development of medium density single family and multiple family residential uses with adequate, usable, open space to prevent overcrowding. It is the intent of this Ordinance that this district be carefully located only in areas where the infrastructure of the City (water, sewer, streets, etc.) is adequate to serve higher concentrations of persons and automobiles.

The following uses are regulated by this Residential District:

Permitted Principal Uses¹

- 1 Townhomes/Single-family attached dwellings
- 2 Duplexes
- 3 Triplexes
- 4 Quadraplexes

Permitted Accessory Uses¹

- 1 Swimming pool
- 2 Tennis court
- 3 Garden or greenhouse
- 4 Satellite dish
- 5 Any accessory use or structure customary and incidental to the principal use

Special Exception Uses²

- 1 Assembly facilities
- 2 Child day care facility, non-commercial
- 3 Home Occupations, See Section 219
- 4 Recreation facilities
- 5 Schools
- 6 Other public and private open space and related activities
- 7 Public or quasi-public facilities and utilities¹

Prohibited Uses

- 1 Manufactured homes
- 2 Modular homes
- 3 Cemetery
- 4 Multiple family apartments
- 5 All other uses and structures not permitted by right or permitted by exception

Notes:

¹ See Article II and Appendix B for additional regulations

² See Article VII for additional regulations and procedures for special exceptions

Development in this Residential District is regulated by the following:

Bulk Regulations

Townhomes/Single Family Attached:

Minimum Lot Size:	6,000 sf	end units
	3,500 sf	interior units
Minimum Lot Width:	No Minimum	
Minimum Front Setback:	20 feet	
Minimum Side Setback:	10 feet	end units
	0 feet	interior units
Minimum Rear Setback:	20 feet	
Minimum Building Separation:	20 feet	
Max. Unit Attachment in a row:	4 units	
Maximum Building Height:	40 feet	
Maximum Density:	6 du/ac	

2 to 4 Multiple Family Attached:

Minimum Lot Size:	10,000 sf	duplex
	13,000 sf	triplex
	16,000 sf	quadraplex
Minimum Lot Width:	75 feet	
Minimum Front Setback:	20 feet	
Minimum Side Setback:	10 feet	
Minimum Rear Setback:	20 feet	
Minimum Building Separation:	20 feet	
Maximum Building Height:	40 feet	
Maximum Density:	8 du/ac	

Site Plan Required for any development proposed in R-3

Refer to more detailed site plan requirements outlined in Section 1003.

Parking Requirements

Refer to additional and more detailed parking and landscaping regulations outlined in Article IV.

Residential:	2 spaces per unit
Assembly facilities:	1 space per 5 seats in the main assembly hall

Bufferyard Requirements

Refer to additional and more detailed bufferyard regulations as outlined in Article V.

R-3 Subdivision Residential uses:

Streetscape:	20 feet	Landscape Plate C
Side/Rear Bufferyard:	10 feet	Landscape Plate E

Non-Residential uses adjacent to Residential:

Streetscape:	15 feet	Landscape Plate A
Side/Rear Bufferyard:	10 feet	Landscape Plate E

This purpose of this district is to provide areas for development of higher density multiple family residential uses with adequate, usable, open space to prevent overcrowding. It is the intent of this Ordinance that this district be carefully located only in areas where the infrastructure of the City (water, sewer, streets, etc.) is adequate to serve higher concentrations of persons and automobiles.

The following uses are regulated by this Residential District:

Permitted Principal Uses¹

- 1 Multiple family apartments
- 2 Boarding house/rooming house
- 3 Nursing home/Extended care facility
- 4 Assisted living facility

Permitted Accessory Uses¹

- 1 Swimming pool
- 2 Tennis/Basketball court
- 3 Playground
- 4 Recreational buildings
- 5 Garden or greenhouse
- 6 Satellite dish
- 7 Any accessory use or structure customary and incidental to the multiple family uses

Special Exception Uses²

- 1 Assembly facilities
- 2 Child day care facility as part of the complex
- 3 Recreation facilities
- 4 Schools
- 5 Other public and private open space and related activities
- 6 Public or quasi-public facilities and utilities¹

Prohibited Uses

- 1 Manufactured homes
- 2 Modular homes
- 3 Cemetery
- 4 All other uses and structures not permitted by right or permitted by exception

Notes:

¹ See Article II and Appendix B for additional regulations

² See Article VII for additional regulations and procedures for special exceptions

Development in this Residential District is regulated by the following:

Bulk Regulations

Minimum Parcel Size:	2 acres	Minimum Front Setback:	30 feet
Minimum Parcel Width:	100 feet	Minimum Side Setback:	20 feet
Maximum Density:	12 du/ac	Minimum Rear Setback:	25 feet
Minimum Open Space:	10%	Minimum Building Separation:	20 feet
		Maximum Building Height:	45 feet

Site Plan Required for any development proposed in R-4

Refer to more detailed site plan requirements outlined in Section 1003.

Parking Requirements

Refer to additional and more detailed parking and landscaping regulations outlined in Article IV.

Residential:	2 spaces per unit
Nursing home/Assisted living:	1 space per bed; 1 space per employee on largest shift
Assembly facilities:	1 space per 5 seats in the main assembly hall

Bufferyard Requirements

Refer to additional and more detailed bufferyard regulations as outlined in Article V.

R-4 Residential uses:

Streetscape:	20 feet	Landscape Plate C
Side/Rear Bufferyard:	15 feet	Landscape Plate F

Non-Residential uses adjacent to Residential:

Streetscape:	15 feet	Landscape Plate A
Side/Rear Bufferyard:	10 feet	Landscape Plate E

This purpose of this district is to provide areas for medium density development reserved for manufactured homes. These parks shall have adequate, usable, open space to prevent overcrowding. It is the intent of this Ordinance that this district be carefully located only in areas where the infrastructure of the City (water, sewer, streets, etc.) is adequate to serve higher concentrations of persons and automobiles.

The following uses are regulated by this Residential District:

Permitted Principal Uses ¹

- 1 Singlewide manufactured home
- 2 Doublewide manufactured home

Permitted Accessory Uses ¹

- 1 Swimming pool
- 2 Tennis/Basketball court
- 3 Playground
- 4 Recreational facilities
- 5 Garden or greenhouse
- 6 Satellite dish
- 7 Residential storage building
- 8 Detached garage
- 9 Any accessory use or structure customary and incidental to the multiple family uses

Special Exception Uses ²

- 1 Child day care facility, non-commercial
- 2 Home Occupations, See Section 219
- 3 Other public and private open space and related activities
- 4 Public or quasi-public facilities and utilities ¹

Prohibited Uses

- 1 Assembly facilities
- 2 Cemetery
- 3 Modular homes
- 4 Schools
- 5 All other uses and structures not permitted by right or permitted by exception

Notes:

- ¹ See Article II and Appendix B for additional regulations
- ² See Article VII for additional regulations and procedures for special exceptions

Development in this Residential District is regulated by the following:

Bulk Regulations

Park Regulations:

Minimum Parcel Size:	2 acres
Minimum Parcel Width:	100 feet
Maximum Density:	6 du/ac
Minimum Open Space:	10%

Individual Lot Regulations:

Minimum Lot Size:	5,000 square feet
Minimum Lot Width:	50 feet
Minimum Front Setback:	20 feet
Minimum Side Setback:	10 feet
Minimum Rear Setback:	15 feet

Site Plan Required for any development proposed in MHP

Refer to more detailed site plan requirements outlined in Section 1003.

Subdivision Guidelines

Development in this Residential District shall refer to the Carthage Subdivision Regulations for the design and construction of all streets, utilities, and other subdivision elements.

Manufactured Homes

Manufactured homes shall be subject to the more detailed guidelines set out below:

- 1 Any manufactured home locating or relocating in the City of Carthage after May 6, 2013 shall not have a manufactured date older than 20 years from the date of application or the date of the building permit. Proof of the manufactured date must be provided.
- 2 All manufactured homes locating to or relocating within the City of Carthage shall have a certification label, data plate, and/or serial number.
- 3 All manufactured homes shall be placed in compliance with the tie-down standards prescribed in the Building Code adopted by the City of Carthage.
- 4 The hitches or towing apparatus, axles and wheels shall be removed.
- 5 Any manufactured home locating to or relocating within the City of Carthage shall blend in character and appearance with the surrounding residential areas in terms of roof design, pitch and materials, exterior and foundation materials, and landscaping.
- 6 Perimeter skirting is required for all manufactured homes to enclose the foundation and crawlspace and shall be installed no later than 30 days after the final permit is issued. The skirting shall be vented in accordance with the building code of the City of Carthage and allow access under the home for maintenance and inspection purposes.
- 7 All manufactured homes shall have perimeter skirting which will harmonize with the architectural style of the manufactured home. Suitable materials include concrete, stone, and masonry as well as clapboards which match the material of the home. Smooth, ribbed or corrugated metal or plastic panels are not acceptable materials for skirting.
- 8 In addition to perimeter skirting, landscaping should also be encouraged at the base of the home.
- 9 The roof shall be pitched so that the pitch is at least a four (4) inch vertical rise for each twelve (12) inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including, but not limited to, approved wood, asphalt composition or fiberglass shingles, or metal roofing but excluding corrugated fiberglass.
- 10 Eaves and/or gutters may be required if it is necessary in order for the manufactured home to blend with the site-built character of the surrounding area. If required, gutters shall be in place no later than 30 days after the final permit is issued.
- 11 The manufactured home shall have a pre-manufactured or site-built porch or landing with stairs or ramp at each entrance to the manufactured home which are secured independently of the home. Each porch, landing, stair or ramp shall be installed according the Building Code adopted by the City of Carthage along with additional access and safety features such as handrails. Acceptable materials for porches, landings, stairs, and ramps include, but not limited to, wood, concrete, or masonry. Concrete blocks or any other material shall not be stacked and used for access purposes at the entrance of homes. The required porches and landings shall be in place no later than 30 days after the final permit is issued.

(Manufactured home guidelines continued)

- 12 All manufactured homes shall be required to connect to a public utility system which includes gas, water, and sewer system, where available and in compliance with the Building Code adopted by the City of Carthage.
- 13 The manufactured home shall be designed according to the Department of Housing and Urban Development Wind Zone 1 standards for sustained winds of 70 miles per hour.

Parking Requirements

Refer to additional and more detailed parking and landscaping regulations outlined in Article IV.

Residential: 2 spaces per unit

Bufferyard Requirements

Refer to additional and more detailed bufferyard regulations as outlined in Article V.

Streetscape:	20 feet	Landscape Plate C
Side/Rear Bufferyard:	15 feet	Landscape Plate F

The purpose and intent of this district is to promote innovative design in development by providing flexibility in regard to permitted uses and bulk regulations. The purpose is to also promote the development of attractive, desirable communities that integrates residential and non-residential uses in a design that is accessible to pedestrians and encourages alternative modes of transportation.

The following uses are regulated by a Planned Unit Development:

Permitted Principal Uses¹

Any principal use not prohibited by the terms of this Ordinance.

Permitted Accessory Uses¹

- 1 Swimming pool
- 2 Tennis/Basketball court
- 3 Playground
- 4 Recreational buildings
- 5 Garden or greenhouse
- 6 Satellite dish
- 7 Residential storage building
- 8 Any accessory use or structure customary and incidental to the multiple family uses

Special Exception Uses²

- 1 Assembly facilities
- 2 Cemetery
- 3 Child day care facility, non-commercial
- 4 Home Occupations, See Section 219
- 5 Recreation facilities
- 6 Schools
- 7 Other public and private open space and related activities
- 8 Public or quasi-public facilities and utilities¹

Prohibited Uses

All other uses and structures not permitted by right or permitted by exception

Notes:

¹ See Article II and Appendix B for additional regulations

² See Article VII for additional regulations and procedures for special exceptions

Development in a Planned Unit Development is regulated by the following:

Bulk Regulations

Development Regulations:

Minimum Parcel Size:	4 acres
Minimum Parcel Width:	100 feet
Maximum Density (Single Family):	6 du/ac
Maximum Density (Multiple Family):	12 du/ac
Minimum Open Space:	15%

Individual Lot Regulations:

Minimum Lot Size:	Refer to other zoning districts for comparable regulations based on the size lot proposed.
Minimum Lot Width:	Refer to other zoning districts for comparable regulations based on the size lot proposed.
Minimum Setbacks:	Refer to other zoning districts for comparable regulations based on the size lot proposed.

Application Process

Concept Plan Review

Prior to any application submission, the applicant shall meet with the Building Official and/or Planning Commission Chairman to discuss a concept plan and general development proposal. During this meeting the applicant shall provide the following:

- 1 A general land use plan graphically showing the site layout, proposed uses and any other important development data.
- 2 A general plan for public facilities such as location of streets, pedestrian paths, utilities, community facilities, open space.

Rezoning and Site Plan Approval

Planned Unit Developments require a rezoning of land. The rezoning process and preliminary site plan approval of the subdivision of land may be combined upon review by the Planning Commission. See Article X of this Ordinance for additional requirements regarding the rezoning of property. Also, see Article XI for any additional site plan requirements.

- 1 Packet shall include all site plan requirements listed in Section 1003.
- 2 Proposed land uses and population densities, setbacks, building coverage, building heights and any other development regulations
- 3 Proposed circulation pattern
- 4 Proposed open space, parks, recreation, pedestrian circulation
- 5 Landscape Plan showing proposed landscape materials, streetscapes, bufferyards, etc.
- 6 Deliniation of development phases and proposed timeline
- 7 Planning Commission may require a traffic impact study
- 8 Propsed means of the dedication of open space and the maintenance and preservation of open space
- 9 Relationship and conformance with the Carthage Comprehensive Plan

PUD Amendments

Any proposed changes or amendments to the approved site plan and planned unit development layout shall follow the same procedure in Article III of the Carthage Subdivision Regulations.

PUD Status Timeline

If construction has not started within two (2) years of the Mayor and Board of Aldermen approval, the City may consider rezoning the site to its previous classification. The applicant may request an extension in writing for no more than one (1) year at a time.

Subdivision Guidelines

Uses allowed in a Planned Unit Development shall refer to the Carthage Subdivision Regulations for the design and construction of all streets, utilities, and other elements. Development shall conform to these regulations.

Parking

Refer to additional and more detailed parking and landscaping regulations outlined in Article IV.

Bufferyard Requirements

Refer to additional and more detailed bufferyard regulations as outlined in Article V.

Streetscape:	20 feet	Landscape Plate C
Side/Rear Bufferyard:	15 feet	Landscape Plate F

Central Business District

C-1

This purpose of this district is to provide for the preservation and perpetuation of high density office and commercial enterprises in the Central Business District. This district is intended to encourage the development of selected activities that are compatible with historic structures and uses. New development in this district shall mimic the existing form and function of the square proper.

The following uses are regulated by the Central Business District:

Permitted Principal Uses ¹

- | | |
|---|------------------------------------|
| 1 Professional Services and Offices | 25 Bed and Breakfast |
| 2 Accounting office | 26 Hotel |
| 3 Attorney office | 27 Business Services |
| 4 Dental Office | 28 Advertising Firms |
| 5 Engineering/Architectural Office | 29 Consulting Firms |
| 6 Insurance/Real Estate Agency | 30 Employment Agency |
| 7 Medical Office | 31 Office supply company |
| 8 Travel Agency | 32 Newspaper publication |
| 9 Personal Services | 33 Instructional Services |
| 10 Antique Shops | 34 Art, music, dance, drama studio |
| 11 Bakeries | 35 Business school |
| 12 Banks | 36 Beauty school |
| 13 Child day care facility | 37 Fitness facility |
| 14 Funeral Home | |
| 15 Grocery stores, less than 10,000 square feet | |
| 16 Hair salon | |
| 17 Hardware/Appliance stores | |
| 18 Movie theater | |
| 19 Pharmacy | |
| 20 Photography Studio | |
| 21 Radio Station | |
| 22 Restaurants, dine-in or take-out | |
| 23 Specialty Retail Shops | |
| 24 Television Studio | |

Permitted Accessory Uses ¹

Any accessory use or structure customary and incidental to the principal uses

Prohibited Uses

- 1 Assembly facilities
- 2 Automobile sales and service
- 3 Car wash
- 4 Check cashing businesses
- 5 Game rooms
- 6 Gasoline station
- 7 Pawn shops
- 8 Pool halls
- 9 Restaurants, fast food/drive-thru
- 10 Tattoo parlors
- 11 Title Loan businesses
- 12 All other uses and structures not permitted by right or permitted by exception

Special Exception Uses ²

- 1 Mixed use buildings with Residential on top floors
- 2 Recreation facilities
- 3 Schools
- 4 Other public and private open space and related activities
- 5 Public or quasi-public facilities and utilities ¹

Notes:

¹ See Article II and Appendix B for additional regulations

² See Article VIII for additional regulations and procedures for special exceptions

Development in the Central Business District

Refer to design guidelines and form regulations of the Historic District Overlay.

Site Plan Required for any development proposed in C-1

Refer to more detailed site plan requirements outlined in Section 1003.

Parking

Refer to additional and more detailed parking and landscaping regulations outlined in Article IV.

Retail/Commercial:	1 space per 200 square feet of floor area
Office:	1 space per 300 square feet of floor area
Theater/Entertainment:	1 space per 5 seats

Bufferyard Requirements

Refer to additional and more detailed bufferyard regulations as outlined in Article V.

Urban Streetscape:	15 feet	Landscape Plate B
Side/Rear Bufferyard:	0 feet	

Neighborhood Commercial District

C-2

The purpose of this district is to provide small areas for neighborhood services all designed in scale with the surrounding residential areas. This district is encouraged at the intersections of major and minor streets (as defined by the Carthage Transportation Plan) or near other concentration of uses within neighborhood areas. This district may also serve as a transitional district between neighborhoods and other commercial districts.

The following uses are regulated by the Neighborhood Commercial District:

Permitted Principal Uses¹

- | | |
|---------------------------------------|---------------------------------------|
| 1 Accounting office | 19 Funeral home |
| 2 Advertising Company | 20 Garden Shop |
| 3 Antique Shops | 21 General Office services |
| 4 Art, music, dance, drama studio | 22 Grocery stores |
| 5 Assembly facilities | 23 Hair salon |
| 6 Attorney office | 24 Hardware store |
| 7 Bakery | 25 Insurance/Real Estate agency |
| 8 Bank | 26 Medical Office |
| 9 Beauty school | 27 Medical Out-patient clinic |
| 10 Bed and Breakfast | 28 Movie theater |
| 11 Building Improvement product sales | 29 Office Supply |
| 12 Business school | 30 Pharmacy |
| 13 Child day care facility | 31 Photography studio |
| 14 Convenience store | 32 Radio/Television Station or Studio |
| 15 Dental Office | 33 Restaurant, dine-in |
| 16 Employment Agency | 34 Social Assistance offices |
| 17 Engineering/Architectural office | 35 Specialty Retail Shops |
| 18 Fitness facility | 36 Travel agency |
| | 37 Veterinary clinic/pet shop |

Permitted Accessory Uses¹

Any accessory use or structure customary and incidental to the principal uses

Special Exception Uses²

- 1 Car wash
- 2 Gasoline Station
- 3 Recreation facilities
- 4 Schools
- 5 Other public and private open space and related activities
- 6 Public or quasi-public facilities and utilities¹

Prohibited Uses

- 1 Automobile sales and service
- 2 Check cashing businesses
- 3 Game rooms
- 4 Pawn shops
- 5 Pool halls
- 6 Restaurants, fast food/drive-thru
- 7 Tattoo parlors
- 8 Title Loan businesses
- 9 All other uses and structures not permitted by right or permitted by exception

Notes:

¹ See Article II and Appendix B for additional regulations

² See Article VII for additional regulations and procedures for special exceptions

Development in the Neighborhood Commercial District is regulated by the following:

Bulk Regulations

Minimum Lot Size:	None
Minimum Lot Width:	70 feet
Minimum Front Setback:	25 feet
Minimum Side Setback:	10 feet
Minimum Rear Setback:	20 feet

Site Plan Required for any development proposed in C-2

Refer to more detailed site plan requirements outlined in Section 1003.

Parking

Refer to additional and more detailed parking and landscaping regulations outlined in Article IV.

Retail/Commercial:	1 space per 200 square feet of floor area
Office:	1 space per 300 square feet of floor area
Assembly facilities:	1 space per 5 seats in the main assembly hall

Bufferyard Requirements

Refer to additional and more detailed bufferyard regulations as outlined in Article V.

Streetscape:	15 feet	Landscape Plate A
Non-Residential adjacent to Non-Residential:		
Side/Rear Bufferyard:	10 feet	Landscape Plate E
Non-Residential adjacent to Residential:		
Side/Rear Bufferyard:	15 feet	Landscape Plate F

This purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities which typically require direct automobile access and visibility from major thoroughfares. Because this district will cater to motorists, development standards may vary to provide for orderly development and to minimize traffic hazards.

The following uses are regulated by the Highway Commercial District:

Permitted Principal Uses¹

- | | |
|---|---|
| 1 Antique Shop | 25 Hair Salon |
| 2 Assembly facility | 26 Hardware/appliance store |
| 3 Automobile sales and service | 27 Hospital |
| 4 Automobile part sales, enclosed building | 28 Hotel/motel |
| 5 Automobile repair, within enclosed building | 29 Landscape nursery |
| 6 Automobile service station | 30 Medical out-patient facility |
| 7 Bakery | 31 Mini-storage warehouse |
| 8 Banks | 32 Movie theater |
| 9 Bowling Alley | 33 Pawn shop |
| 10 Building improvement sales | 34 Pet shop |
| 11 Car rental | 35 Pharmacy |
| 12 Car wash | 36 Pool Hall |
| 13 Check cashing establishment | 37 Radio/Television station |
| 14 Child day care facility | 38 Restaurants, dine-in or take-out |
| 15 Commercial entertainment enterprise | 39 Restaurants, fast food/drive-thru facilities |
| 16 Commercial recreation enterprise | 40 Shopping center/Strip center |
| 17 Convenience store | 41 Skating rink |
| 18 Department store | 42 Social assistance |
| 19 Fitness facility | 43 Specialty shops |
| 20 Funeral Home | 44 Tatoo parlor |
| 21 Game rooms | 45 Title loan businesses |
| 22 Garden shop | 46 Veterinary clinic |
| 23 Gasoline Station | 47 Any other general retail services |
| 24 Grocery store | 48 General office and business services |

Special Exception Uses²

- 1 Manufactured Home Dealers
- 2 Recreation facilities
- 3 Schools
- 4 Truck stop/Terminal
- 5 Other public and private open space and related activities
- 6 Public or quasi-public facilities and utilities¹
- 7 Communication towers

Permitted Accessory Uses¹

Any accessory use or structure customary and incidental to the principal uses

Prohibited Uses

All other uses and structures not permitted by right or permitted by exception

Notes:

¹ See Article II and Appendix B for additional regulations

² See Article VII for additional regulations and procedures for special exceptions

Development in the Highway Commercial District is regulated by the following:

Bulk Regulations

Minimum Lot Size:	None
Minimum Lot Width:	70 feet
Minimum Front Setback:	25 feet
Minimum Side Setback:	10 feet
Minimum Rear Setback:	20 feet

Site Plan Required for any development proposed in C-3

Refer to more detailed site plan requirements outlined in Section 1003.

Parking

Refer to additional and more detailed parking and landscaping regulations outlined in Article IV.

Retail/Commercial:	1 space per 200 square feet of floor area
Office:	1 space per 300 square feet of floor area
Assembly facilities:	1 space per 5 seats in the main assembly hall
Hotel:	1.5 spaces per room and 1 space per employee on the largest shift
Hospital:	1 space per patient bed and 1 space per employee on the largest shift

Bufferyard Requirements

Refer to additional and more detailed bufferyard regulations as outlined in Article V.

Streetscape:	20 feet	Landscape Plate D
Non-Residential adjacent to Non-Residential:		
Side/Rear Bufferyard:	10 feet	Landscape Plate E
Non-Residential adjacent to Residential:		
Side/Rear Bufferyard:	20 feet	Landscape Plate G

This purpose of this district is to provide areas for the development of light manufacturing, industrial, wholesale and warehouse uses within enclosed structures. It is the intent of this Ordinance that the Light Industrial District be compatible with abutting Districts and uses. The uses in the I-1 District shall generate no objectionable odor, smoke, fumes, vibration or excessive noise. Such Light Industrial Districts shall be located only in areas directly accessible to major thoroughfares or railroads.

The following uses are regulated by the Light Industrial District:

Permitted Principal Uses¹

- 1 Processing, canning, packaging and other treatment of food products, excluding the rendering or refining of fats and oils and the slaughtering of animals
- 2 Manufacturing, assembly or other treatment of products from secondary materials (previously prepared)
- 3 Manufacturing of electrical appliances, machinery, equipment and supplies
- 4 Fabrication of metal products, but excluding primary metal industries and the manufacture of non-
- 5 Manufacturing of pottery and similar ceramic products
- 6 Manufacturing of textile mill products
- 7 Manufacturing of apparel and other finished products made from fabrics
- 8 Assembly, painting, upholstering, and similar activities in connection with automobiles, farm machinery, mobile homes, furniture and related products
- 9 Warehousing and storage, provided that all storage is within enclosed structures
- 10 Television and radio transmitters, telephone microwave towers, and similar communications facilities
- 11 Dwellings for resident watchmen and caretakers employed on the premises of the primary permitted
- 12 Other similar enterprises which are of the same character and nature as those specifically permitted above, but not to include those uses which are permitted in the I-2 Heavy Industrial District

Permitted Accessory Uses¹

Any accessory use or structure customary and incidental to the principal uses

Prohibited Uses

All other uses and structures not permitted by right or permitted by exception

Special Exception Uses²

- 1 Manufactured Home Dealer
- 2 Mini-storage
- 3 Truck stops and trucking terminals
- 4 Public or quasi-public facilities and utilities¹

Notes:

¹ See Article II and Appendix B for additional regulations

² See Article VII for additional regulations and procedures for special exceptions

Development in the Light Industrial District is regulated by the following:

Bulk Regulations

Minimum Lot Size:	None
Minimum Lot Width:	70 feet
Minimum Front Setback:	30 feet
Minimum Side Setback:	20 feet
Minimum Rear Setback:	30 feet

Site Plan Required for any development proposed in I-1

Refer to more detailed site plan requirements outlined in Section 1003.

Parking

Refer to additional and more detailed parking and landscaping regulations outlined in Article IV.

Industrial:	1 space per employee on the largest shift
	1 space per company vehicle

Bufferyard Requirements

Refer to additional and more detailed bufferyard regulations as outlined in Article V.

Streetscape:	20 feet	Landscape Plate D
Industrial adjacent to Non-Residential:		
Side/Rear Bufferyard:	15 feet	Landscape Plate F
Industrial adjacent to Residential:		
Side/Rear Bufferyard:	20 feet	Landscape Plate G

This purpose of this district is to provide for the development of industrial uses that generally have extensive space requirements and/or generate substantial amounts of noise, vibration, odors, or possess other objectionable characteristics. Heavy industrial uses shall be located only in areas directly accessible to major thoroughfares or railroads.

The following uses are regulated by the Heavy Industrial District:

Permitted Principal Uses¹

- 1 Heavy manufacturing uses which are not potentially hazardous or offensive to neighboring land uses due to the emission of dust, gas, smoke, fumes, odors, vibrations, or other objectionable influence
- 2 Other similar enterprises which are of the same character and nature as those specifically permitted by right
- 3 Processing, canning, packaging and other treatment of food products, excluding the rendering or refining of fats and oils and the slaughtering of animals
- 4 Manufacturing, assembly or other treatment of products from secondary materials (previously prepared or refined materials)
- 5 Manufacturing of electrical appliances, machinery, equipment and supplies
- 6 Fabrication of metal products, but excluding primary metal industries and the manufacture of non-electrical machinery and similar heavy machine parts and equipment
- 7 Manufacturing of pottery and similar ceramic products
- 8 Manufacturing of textile mill products
- 9 Manufacturing of apparel and other finished products made from fabrics
- 10 Assembly, painting, upholstering, and similar activities in connection with automobiles, farm machinery, mobile homes, furniture and related products
- 11 Warehousing and storage, provided that all storage is within enclosed structures
- 12 Television and radio transmitters, telephone microwave towers, and similar communications facilities
- 13 Dwellings for resident watchmen and caretakers employed on the premises of the primary permitted use
- 14 Other similar enterprises which are of the same character and nature as those specifically permitted above, but not to include those uses which are permitted in the I-2 Heavy Industrial District

Permitted Accessory Uses¹

Any accessory use or structure customary and incidental to the principal uses

Prohibited Uses

All other uses and structures not permitted by right or permitted by exception

Special Exception Uses²

- 1 Mining, quarrying, and crude petroleum and natural gas production
- 2 Junk yards
- 3 Auto wrecking yards
- 4 Public or quasi-public facilities and utilities¹

Notes:

¹ See Article II and Appendix B for additional regulations

² See Article VII for additional regulations and procedures for special exceptions

Development in the Heavy Industrial District is regulated by the following:

Bulk Regulations

Minimum Lot Size:	None
Minimum Lot Width:	100 feet
Minimum Front Setback:	30 feet
Minimum Side Setback:	50 feet
Minimum Rear Setback:	50 feet

Site Plan Required for any development proposed in I-2

Refer to more detailed site plan requirements outlined in Section 1003.

Parking

Refer to additional and more detailed parking and landscaping regulations outlined in Article IV.

Industrial:	1 space per employee on the largest shift
	1 space per company vehicle

Bufferyard Requirements

Refer to additional and more detailed bufferyard regulations as outlined in Article V.

Streetscape:	20 feet	Landscape Plate D
Industrial adjacent to Non-Residential:		
Side/Rear Bufferyard:	15 feet	Landscape Plate F
Industrial adjacent to Residential:		
Side/Rear Bufferyard:	20 feet	Landscape Plate G

The purpose of this district overlay is to provide for the preservation and perpetuation of the historic quality of downtown Carthage - both residential and commercial uses. Overlay districts are applied on top of other zoning districts, which is called the underlying zoning. The underlying zoning remains in place and governs the use of property in the Historic District. However, the Historic District Overlay identifies the district boundaries and informs property owners and developers that additional regulations are in effect for these properties.

All use, bulk, parking, and bufferyard regulations are governed by the underlying zoning district.

Refer to the Cathage Historic Commission for any additional design guidelines.

Site Plan Application Process

Site plans are required for all new development or modifications or additions to existing structures within the Historic District Overlay. Site plans shall first be reviewed by the Historic Preservation Commission and then be submitted to the Board of Adjustment.

- 1 File the application with the City Buiding Official per requirements in Article X.
- 2 For the specific properties within the Historic District Overlay, the Building Official will notify the Historic Commission before review by the Board of Adjustment.
- 3 The Historic Commission shall make written findings or recommendations within fourteen (14) days. The Historic Commission shall provide written findings of their decision to the applicant and the Board of Adjustment.
- 4 The application shall go to the Board of Adjusment for further review and approval.
- 5 Refer to any additional requirements of the site plan process in Article X.

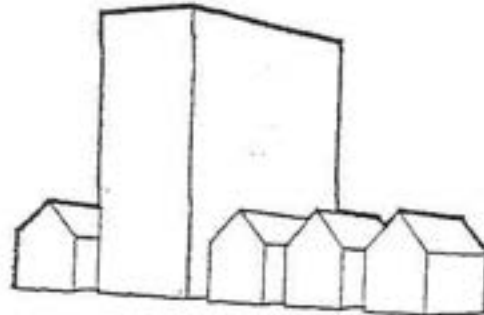
Building Permit Application Process

- 1 File the application with the City Buiding Official per requirements in Article X.
- 2 Along with the building permit application, submit an application for Certificate of Appropriateness (including pictures and a description of planned construction).
- 3 For the specific properties within the Historic District Overlay, the Building Official will notify the Historic Commission before granting the permit.
- 4 The Historic Commission shall make a decision regarding the application within fourteen (14) days. The Historic Commission shall provide written findings of their decision to the applicant and the Building Official.
- 5 The application shall go back to the Building Official for further review and approval.
- 6 Refer to any additional requirements of the building permit process in Article X.

Development in the Historic District Overlay is regulated by the following Form Regulations and Design Guidelines:

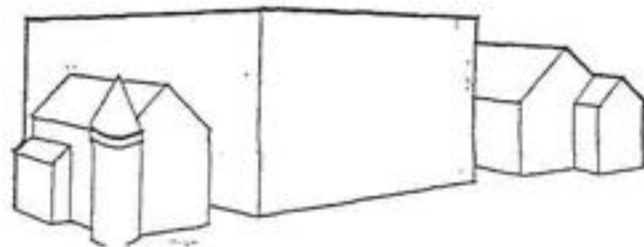
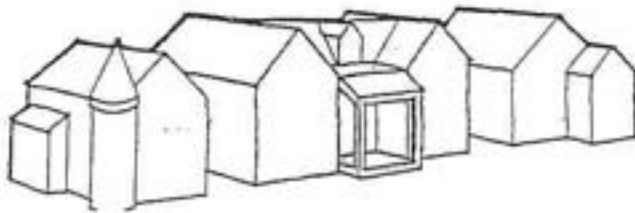
Height - Relate the overall building height to the height of adjacent structures.

- The height of new buildings should roughly equal the average height of existing buildings from the historic period on and across the street.
- Avoid new construction that greatly varies in height from older buildings in the vicinity.



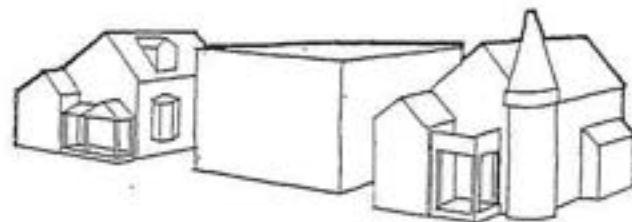
Scale - Relate the size and proportions of new structures to the scale of adjacent buildings.

- Maintain the same scale and rhythm as existing buildings even though the size is larger.
- Avoid disrupting the scale and rhythm of the streetscape by inappropriate design.



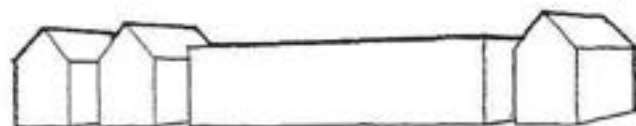
Massing - Create varied masses by breaking up uninteresting box-like forms into smaller variations.

- Variety of form and massing is essential in creating and maintaining the character of the streetscape.
- Avoid single monolithic forms that may be intrusive when combined with older buildings.



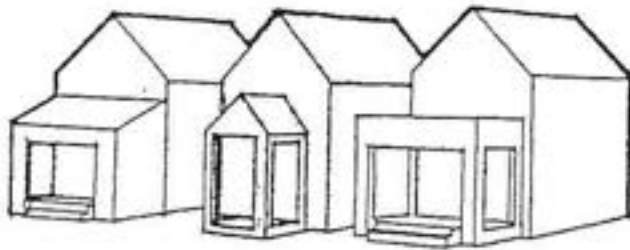
Directional Expression - Relate the vertical, horizontal, or non-directional façade character of new buildings to the predominant directional express of nearby buildings.

- Break the façade into smaller masses that conform to the primary expression of the streetscape.
- Avoid strong horizontal or vertical expressions unless compatible with the character of the immediate area.

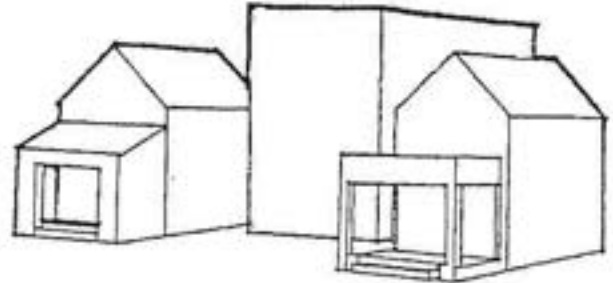


Setback - Maintain the historic façade and setback lines of streetscapes.

- Locate front walls in the same plane as the façades of adjacent buildings.



- Avoid placing new buildings in front of or behind the historic façade line and placing buildings at odd angles to the street.

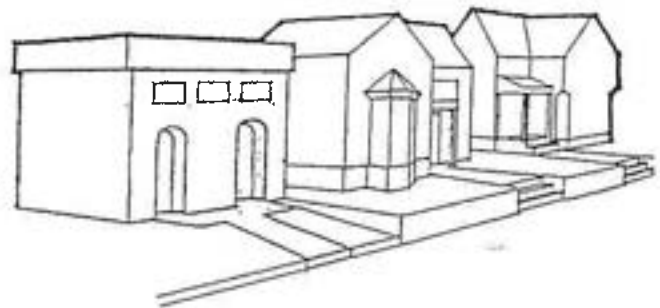


Platforms - Create a pedestal entry.

- Use retaining walls or terraced landscape to reach the high foundation walls or stepped entries.

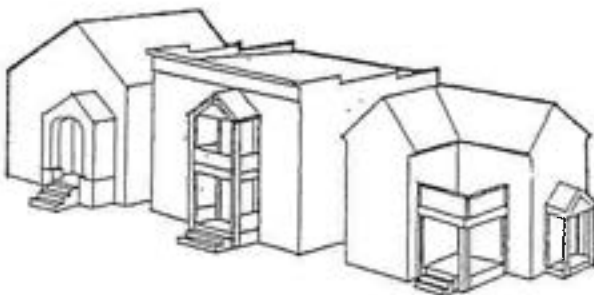


- Avoid bringing walls of buildings straight out of the ground with no sense of platform.



Sense of entry - Articulate main entrances with pronounced architectural features.

- Raise entries a few steps above grade to create a prominent visual feature of the street elevation.

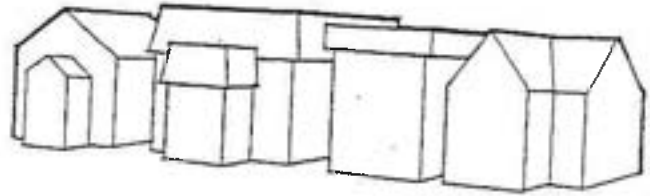


- Avoid an incompatible "flat" first-floor façade or entries with no defined porch or similar transitional element.



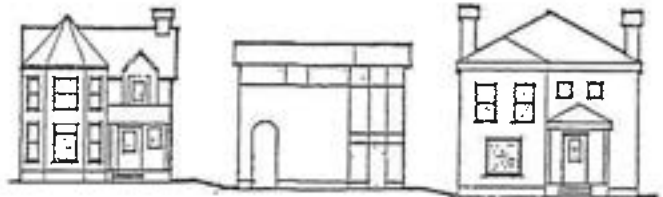
Roof Shapes- Relate the roof form of new buildings to those in the surrounding area.

- Create visually compatible structures by mimicing existing or traditional roof shapes, pitches, materials, etc.
- Avoid introducing new roof shapes, pitches, materials, etc. that are traditionally found in the area.



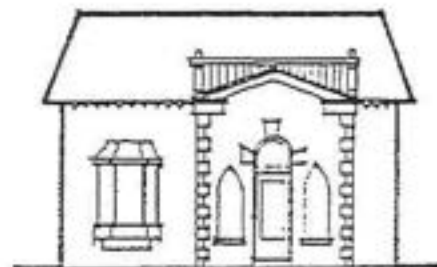
Rhythm of openings - Create a similar rhythm of wall areas with window and door openings.

- Balance the overall placement and proportion of openings with respect to the facades overall composition and symmetry.
- Avoid incompatible façade patterns that upset the rhythm of openings established in surrounding structures.



Imitations - Create visually compatible restorations.

- Consider restorations and additions with architectural features that represent the current time period while also enhances the historic district character.
- Avoid replicating or imitating styles, motifs, details of older time periods which presents a confusing picture of the true character of the historical area.



Flood Protection Overlay

The purpose of this district is to permit compatible uses in areas subject to periodic flooding and to protect these areas from other types of development except where adequate assurance is given that the development will be protected from flooding. Overlay districts are applied on top of other zoning districts, which are called the underlying zoning. The underlying zoning remains in place and governs the use of property in the Flood Protection District. However, this Overlay identifies the district boundaries and informs property owners and developers that additional regulations are in effect for these properties. District boundaries shall be determined by the 100-year floodplain as delineated on the latest revised editions of the Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Maps and Flood Insurance Rate Maps (FIRM) for Leake County and as shown on the Carthage Zoning Map.

Special Overlay regulations include the following:

- 1 All structures built in this Overlay District shall have a finished floor elevation twelve (12) inches above the base flood elevation.
- 2 All applications for development in these flood prone areas shall be submitted in sufficient detail to determine compliance with the regulations of FEMA and all City Ordinances.
- 3 All applications shall be approved by the City Engineer, the Building Official, and the Floodplain Administrator.

Boundary Challenge:

A more detailed survey of the property may be conducted by a certified engineer in order to determine if the subject property is actually at an elevation different from the base flood elevation. If the subject property is determined to be outside of the 100-year floodplain, a letter of map revision may be filed with FEMA. Once the letter of map revision has been approved and the FIRM maps revised, the Overlay District shall be revised by the City and the underlying zoning district shall remain as interpreted by the Building Official and the Planning Commission.

All use, bulk, parking, and bufferyard regulations are governed by the underlying zoning district.

Floodplain Guidelines

Uses allowed in this District shall refer to the Carthage Floodplain Ordinance for additional regulations.

Subdivision Guidelines

Uses allowed in this District shall refer to the Carthage Subdivision Regulations for the design and construction of all streets, utilities, and other subdivision elements.

Section 400 – Off-street parking spaces

In connection with every use, off-street parking for the parking and storage of vehicles shall be provided in accordance with the following schedule regardless of the zone or district in which the use is located. In the case of any use which is not specifically mentioned herein, the provisions for the most similar use shall apply as determined by the Board of Adjustment. Each parking space shall be ten (10) feet wide by twenty (20) feet long.

1. Single Family and Multiple Family Residential uses: Two (2) spaces per dwelling unit.
2. Retail stores and other general business catering to retail trade: One (1) space for each two hundred (200) square feet of gross floor area.
3. Professional Offices: One (1) space for each three hundred (300) square feet of gross floor area.
4. Warehouse, wholesale, manufacturing, and industrial uses: One (1) parking space for each employee on the largest shift, plus one (1) space for each vehicle operating from the premises.
5. Movie theaters: One (1) parking space for every five (5) seats.
6. Educational facilities: One (1) parking space for each employee. High school facilities may determine additional parking areas for students driving to school.
7. Places of general assembly (private clubs, lodges, churches, assembly halls etc.): One (1) parking space for each five (5) seats in the principal assembly hall.
8. Hospitals, assisted living facilities, nursing homes, sanitariums, and institutions: One (1) space for each patient bed, plus one (1) space for each employee on the largest shift.
9. Hotels and motels: One and a half (1.5) spaces for each room, plus one (1) space for each employee on the largest shift.

Section 401 – Curb-cuts and Accessways

Developers and property owners of all uses shall control access along all streets upon which the use abuts in accordance with the following regulations:

1. Curb required: Each lot, with its buildings, other structures and parking and loading areas shall be physically separated from each adjoining street by a curb as determined in the Carthage Subdivision Regulations. Except for the accessways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street.
2. Limited access: No more than two (2) curb-cuts/accessways shall be permitted for any lot which has a frontage of two hundred (200) feet or less. Additional entrances or exits for lots having more than two hundred (200) feet of frontage shall be permitted only by a variance. Where frontage is fifty (50) feet or less, only one accessway is permitted.
3. Access dimensions: The width of any accessway shall not be less than fifteen (15) feet. Accessways shall not exceed forty-five (45) feet where a property may have a single lane for ingress and two lanes for egress. Where frontage is fifty (50) feet or less, the width of the accessway shall not exceed twenty-five (25) feet. The alignment of accessways shall be approved by the Building Inspector in conjunction with the Public Works Director or City Engineer.
4. Accessways along arterial streets shall be constructed so that vehicles will not have to back into the roadway. In addition, the location and number of accessways along all streets shall be so arranged that they will reduce the possibility of traffic hazards as much as possible.

Section 402 –Paving Requirements

All parking lots or parking areas hereinafter constructed must be paved with asphalt or concrete, in accordance with standards set by the Carthage Subdivision Regulations or determined by the Building Inspector and the Public Works Director or the City Engineer.

Section 403 –Landscaping Requirements

Parking lots shall include landscaped islands as regulated and spaced according to requirements in Article V.

Article V – Landscaping Standards

Section 500 – Purpose and Intent

The purpose of this section is to protect, maintain and enhance the immediate and long-term health, safety, economic stability and general welfare of the citizens of the City of Carthage through the following objectives:

1. To secure environmental benefits, including the abatement of soil erosion, and to mitigate temporary flooding problems due to the presence of an inordinate amount of impervious surfaces which cause water to run more swiftly than if it were transversing pervious surfaces;
2. To define vehicle use areas;
3. To promote energy conservation by maximizing the shading and cooling effects of trees and shrubs;
4. To promote and protect the property values by conserving and creating a more aesthetically pleasing environment.

Section 501 – Applicability

This Article applies to all publicly owned and privately owned property in the City of Carthage. Required landscaping and bufferyard widths for individual zoning districts is determined in Article III.

Section 502 – Open Lot Area Landscaping

All portions of a lot except for land utilized for principal structures, accessory structures and vehicular use areas shall be landscaped and permanently maintained with trees, shrubs and ground cover. This requirement includes landscaping areas of streetscapes, parking lot islands and bufferyards with ground cover even when not mentioned in detail below.

Section 503 – Streetscape Landscaping

A streetscape serves as a landscape barrier and/or screen between the roadway and the subject property. The minimum required width of the Streetscape is determined in Article III for various uses and zoning districts; this width shall be offset from the right-of-way line and run parallel with the roadway. The streetscape may overlap the front or side setback requirements. Sidewalks may be included within the streetscape area (see detailed requirements in the Carthage Subdivision Regulations). Refer to Appendix D for detailed graphics of the required Landscape Plates.

Where streetscapes may also used to screen parking areas from the roadway, a minimum height of forty-two (42) inches for landscape plantings shall be used. Berms or low fence walls may also be used to screen headlights and large parking lots. Landscape materials used for screening shall be evergreen to ensure screening year around. Vehicles shall not overhang into the landscaped areas within the streetscape.

Landscape Plate A – Streetscape 15 feet – Plate A shall be used along the street frontage in non-residential areas in order to provide a buffer between the street and private property and to screen parking areas from the street view in more compact commercial areas. This plate shall consist of one (1) large tree (ultimate height of 40+ feet) for every forty (40) feet of street frontage. Trees shall be planted at forty (40) feet on center parallel to the street. When it is determined that the screening of parking areas is needed, this plate shall also consist of small shrubs (ultimate height of 3 to 4 feet) planted four (4) feet on center with triangular spacing along the parking lot edge. The use of landscape berms or low fence walls may be used in place of the shrubs or in combination with as approved by the Board of Adjustment during the site plan review.

Landscape Plate B – Urban Streetscape 15 feet – Plate B shall be used along the street frontage in downtown commercial areas (C-1 district) in order to provide a transition area between the street and private property and to introduce more landscaping in an urban environment. This plate shall consist of one (1) medium to large deciduous tree (ultimate height of 30+ feet) for every forty (40) feet of street frontage. Trees shall be planted at forty (40) feet on center. Trees shall be placed in tree grates a minimum of 5 feet in width. Tree varieties chosen for this streetscape may need to be of an upright growth pattern to accommodate nearby buildings. Architectural planters are also encouraged throughout the streetscape for seasonal landscaping.

Landscape Plate C – Streetscape 20 feet – Plate C shall be used along the primary street frontage of subdivisions in order to provide a buffer between the street and private property and to screen adjacent lots from the street view. This plate shall consist of one (1) large tree (ultimate height of 40+ feet) for every forty (40) feet of street frontage. Trees shall be planted at forty (40) feet on center parallel to the street. Additional ornamental trees or shrubs or non-opaque fencing may be included within the streetscape as approved by the Board of Adjustment during the site plan review.

Landscape Plate D – Streetscape 20 feet – Plate D shall be used along the street frontage of highway commercial and industrial areas in order to provide a buffer between the street and private property and to screen parking areas from the street view. This plate shall consist of one (1) large tree (ultimate height of 40+ feet) for every forty (40) feet of street frontage. Trees shall be planted at forty (40) feet on center parallel to the street. This plate shall also consist of small shrubs (ultimate height of 3 to 4 feet) planted four (4) feet on center with triangular spacing along the parking lot edge. The use of landscape berms or low fence walls may be used in place of the shrubs or in combination with as approved by the Board of Adjustment during the site plan review.

Section 504 – Parking Lot Landscaping

Interior portions of off-street parking areas which are not specifically designed as parking spaces, drive aisles, or maneuvering areas shall not be paved for vehicle use. Said areas shall be planted and permanently maintained with shade trees and shrubs and finished with ground cover or other landscape material. All landscape islands shall be protected from vehicular encroachment by the use of curb. Vehicles shall not overhang into the landscape islands or landscaped areas within the streetscape. *Refer to Appendix D for detailed graphics of the required Landscape Plates.*

Interior Landscape Islands

Landscaped islands shall be provided to break up excessively long, continuous runs of parking spaces. No parking bay should contain more than fifteen (15) continuous parking spaces without being broken up by a landscaped area with a minimum width of ten (10) feet and a minimum length of twenty (20) feet for a single row and a minimum length of forty (40) feet for a double row. Landscape islands shall have at a minimum one (1) large tree (ultimate height of 40+ feet) for a single row of parking and two (2) large trees for a double row of parking. Additional ornamental landscaping is encouraged. However, no landscape material shall impede vision between two and one-half (2.5) feet and ten (10) feet above the parking lot grade.

Terminal Landscape Islands

Each row of interior parking spaces shall be terminated at each end by a landscape island with a minimum width of ten (10) feet and a minimum length of twenty (20) feet for a single row and a minimum length of forty (40) feet for a double row. The landscape islands shall have at a minimum one (1) small to medium ornamental tree (ultimate height of 20+ feet) for a single row of parking and two (2) small to medium ornamental trees for a double row of parking. Additional shrubs and low-growth landscaping is encouraged. However, no landscape material shall impede vision between two and one-half (2.5) feet and ten (10) feet above the parking lot grade.

Section 505 - Bufferyard Landscaping

Bufferyards and planting screens shall be required between zoning districts, certain uses or subdivisions. Bufferyards shall be designed to form a continuous, semi-opaque or opaque screen between districts or land uses unless otherwise stated. The minimum required width of the bufferyard is determined in Article III for various uses and zoning districts; this width shall be offset from and run parallel with the side and rear property lines. The bufferyard may overlap the side or rear setback requirements. Refer to Appendix D for detailed graphics of the required Landscape Plates.

Where necessary and appropriate, screening may be a combination of landscaping and fencing. Fences shall take the form of a six (6) to eight (8) foot high wooden fence or masonry wall depending on the types of adjacent uses. All fence types shall include masonry columns at thirty-five (35) feet spaced on center and at all changes in direction.

Landscape Plate E - Bufferyard 10 feet - Plate E shall be used along property lines between certain types of uses when a minor buffer is needed (refer to Article III). This plate shall consist of one (1) large tree (ultimate height of 40+ feet) and two (2) ornamental trees (ultimate height of 20+ feet) for every sixty (60) linear feet along the side and rear property lines. Where Plate E is required between any residential and non-residential use, a six (6) foot opaque fence shall be required as part of the bufferyard.

Landscape Plate F - Bufferyard 15 feet - Plate F shall be used along property lines between intense residential uses or commercial uses adjacent to other residential uses when a major buffer is needed (refer to Article III). This plate shall consist of one (1) large tree (ultimate height of 40+ feet) and six (6) medium evergreen shrubs (ultimate height of 6 to 8 feet) planted at seven (7) feet on center in a triangular spacing for every forty (40) linear feet along the side and rear property lines. A six (6) foot opaque fence shall be required as part of the bufferyard.

Landscape Plate G - Bufferyard 20 feet - Plate G shall be used along property lines between any commercial or industrial uses adjacent to residential uses when a major buffer is needed (refer to Article III). This plate shall consist of one (1) large evergreen tree (ultimate height of 40+ feet) and nine (9) medium evergreen shrubs (ultimate height of 6 to 8 feet) planted at seven (7) feet on center in a triangular spacing for every forty (40) linear feet along the side and rear property lines. A six (6) to eight (8) foot opaque fence shall be required as part of the bufferyard.

Section 506 - Material Standards

Landscape materials planted within streetscapes, parking lots or bufferyards shall follow certain size standards.

Evergreen Trees - All evergreen trees shall be a minimum of six (6) feet in height at the time of installation.

Deciduous Trees - All shade trees, street trees, etc. shall have a minimum 1½" caliper at the time of installation.

Ornamental Trees - All ornamental trees shall have a minimum 1" caliper at the time of installation.

Medium to Large Shrubs - Shrubs shall be a minimum of four (4) feet in height at the time of installation.

Small Shrubs - Shrubs shall be a minimum of eighteen (18) inches in height at the time of installation.

Section 507 -- Landscape Plan Requirements

No building permit for new construction, or redevelopment, shall be issued unless and until the City has approved the Site Plan which includes the review of landscape plans. Any excavation of soil, not part of the normal excavation required to construct a new structure must be approved by the Building Inspector. The following information is required with the development of the Landscape Plan:

1. Location and dimensions of all required streetscapes and bufferyards
2. Location and dimensions of parking lot islands
3. Number and type of materials to be planted or installed
4. Size at planting and maturity, spacing and method of planting
5. Existing topography
6. Proposed topography
7. Any additional items deemed necessary for the review of proposed landscaping.

Section 600 – General Provisions

Nonconformities result from any changes to zoning regulations or the Official Zoning Map. A nonconformity is any use, structure, lot, or a combination of these legally existing prior to the adoption of this Ordinance but does not conform to current regulations adopted within this Ordinance. This Ordinance allows nonconformities to continue subject to additional regulations defined further in this Article; however, it is not the intent of this Ordinance to encourage the survival of nonconformities. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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

Section 601 – Nonconforming Uses

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use shall not be changed to another nonconforming use.

Continuance of Nonconforming Use

The use may continue so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged upon or increased, nor extended to occupy a greater area of land or building than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming use shall be moved in whole or part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. No additional structures not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use.

Termination of Nonconforming Use

The following acts or conditions shall terminate the right to operate a nonconforming use:

1. If any nonconforming use is changed to a conforming use, the nonconforming status is terminated and the nonconforming use is no longer allowed.
2. If any nonconforming use ceases for any reason for a period of more than six (6) months, any subsequent use shall conform to the regulations specified by this Ordinance and the district in which it is located.
3. If any structure that contains a nonconforming use is damaged in any manner, from any cause whatsoever, that exceeds fifty (50) percent of the fair market value, the nonconforming status is terminated and any further use shall be in compliance with this Ordinance. If damage is less than fifty (50) percent of the fair market value, repairs are permitted to its original size prior to damage. Repairs shall be completed within twelve (12) months.

Section 602 – Nonconforming Structures

Continuance of Nonconforming Structure

The structure may continue so long as it remains otherwise lawful, provided:

1. No nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure may be altered to decrease its nonconformity.
2. No nonconforming structure may be repaired or improved where the cost of construction exceeds fifty (50) percent of the fair market value of the building.
3. No nonconforming structure may be moved for any reason, for any distance whatever unless it conforms to the regulations of this Ordinance.

Termination of Nonconforming Structure

The following acts or conditions shall terminate the right to operate a nonconforming structure:

1. If any structure is moved for any reason where it then conforms to the regulations of this Ordinance, the nonconforming status is terminated.
2. If any nonconforming structure is damaged in any manner, from any cause whatsoever, that exceeds fifty (50) percent of the fair market value, the nonconforming status is terminated and any structure shall be in compliance with this Ordinance. If damage is less than fifty (50) percent of the fair market value, repairs are permitted to its original size prior to damage. Repairs shall be completed within twelve (12) months.

Section 603 – Nonconforming Lots

At the time of adoption or amendment of this Ordinance, there may be lots in certain zoning districts that do not conform to the minimum bulk regulations identified in Article III. Those lots are considered to be nonconforming; however, it is not the intent of this Ordinance to prohibit construction and development of these lots. Development of these nonconforming lots is permitted through the variance process identified in Article VIII.

Section 700 – General Provisions

The process to allow a particular use that is not permitted by right in a zoning district is known as a special exception. The special exception process allows for a use that generally or without restriction would not be appropriate but when controlled and conditioned is appropriate in a particular zoning district. Special exceptions refer to land uses only; any other special consideration or relaxation of terms of this Ordinance is a variance. Special exceptions are heard and decided upon by the Board of Adjustment authorized by this Ordinance.

It is power and duty of the Board of Adjustment (1) to review special exception applications, (2) to examine any questions involved with the special exception, (3) to apply conditions and safeguards as appropriate to approve special exceptions, and (4) to deny special exceptions which are not in harmony with the purpose and intent of this Ordinance.

Section 701 – Procedure

Those seeking a special exception shall follow the procedure outlined in this Ordinance. Any application not meeting these requirements shall not be granted by the Board of Adjustment.

1. Submit a written application for a special exception indicating the Zoning District under which the special exception is sought and stating the grounds on which it is requested based on the criteria in Section 702.
2. Once the City receives the application, adequate public notice shall be published as outlined in Section 703. When the public hearing is set and notice has been made, the City shall notify the owner of the property for which special exception is sought or his agent by mail.
3. The Board of Adjustment shall hold a public hearing for review of the special exception. The property owner or his agent may present the special exception as applied for during this hearing. Any other party may appear in person, or by agent or attorney, with concerns or comments regarding the application.
4. The Board of Adjustment shall make written findings empowered under this Ordinance to grant or deny the special exception. If the special exception is granted, it shall be determined that the special exception will not adversely affect the public interest.
5. Appeals regarding the Board of Adjustment's ruling shall be taken to the Mayor and Board of Aldermen within ten (10) days of the ruling.

Section 702 – Review Criteria

Before any special exception shall be issued, the Board of Adjustment shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the review criteria determined by this Ordinance. When reviewing a special exception application, the following criteria should be discussed:

1. Ingress and egress to the property and proposed structures with particular reference to, but not limited to, automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, odor or other deleterious effects of the special exception on adjoining properties generally in the district.
3. Refuse and service areas, with particular reference to the items in (1) and (2) above.
4. Utilities with reference to location, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions, and character.

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
7. Required yards and other open spaces.
8. Additional rules and regulations of the district in which the special exception is sought.
9. General compatibility with adjacent properties and other property in the district, in accordance with the following standards:
 - a. The proposed use will be located within the district so as to be harmonious with and complimentary to adjacent and existing land uses.
 - b. The structure resulting from the granting of a special exception will be architecturally compatible with other existing or proposed structures in the neighborhood in which it is to be located. (For the purpose of this criterion, the term neighborhood shall mean an area extending 1,000 feet in all directions from the lot line of the proposed structure.)
 - c. For the purposes of determining architectural compatibility, consideration shall be given to: building mass and style; roof types, pitch and material; façade treatment and materials; window and door styles; eaves and porches; trim; gables and dormers; gutters; chimneys; walls, fences, hedges and other landscape elements; colors; driveway material; signage; dimensional setbacks and building orientation on the lot; and other such features as may be appropriately considered by the Board of Adjustment.
 - d. For the purpose of assessing the architectural compatibility, existing structures which may not be an architectural asset to the neighborhood shall not be considered in determining the appropriateness of a special exception application.

Section 703 - Public Notification and Public Hearing

No such action may be taken regarding a special exception until after a public hearing is held, at which interested parties and citizens shall have an opportunity to be heard. Public notice shall be provided at least fifteen (15) days in advance by the methods outlined below, all of which provide the date, time and place of the hearing.

Public notice shall be provided by the following methods:

1. Published in a newspaper of general circulation within the City of Carthage at least fifteen (15) days before the public hearing shall be held.
2. An 8.5 x 11 notice shall be displayed in City Hall and one other public place advertising the public hearing as described below.
3. A sign posted on a conspicuous place on the property for which the application has been submitted. The sign shall be minimum 3 feet by 3 feet with letters legible from the nearest street. The background of the sign shall be painted red with white letters. The sign shall contain the statement:

PUBLIC NOTICE
THIS PROPERTY IS BEING CONSIDERED FOR
A SPECIAL EXCEPTION

Hearing Date, Time and Place

Request to allow [proposed use]

For more information contact the City Clerk's office.

Section 800 – General Provisions

Where the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship on the owner of such property, the Board of Adjustment is empowered to grant a variance. Examples of these types of variances from such strict application may include to relieve such difficulties of hardships from exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or from the location of trees, natural drainage courses, lakes, or other attractive features, which condition is not generally prevalent in the neighborhood. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

It is the power and duty of the Board of Adjustment (1) to review variance applications, (2) to examine any questions involved with the variance, (3) to apply conditions and safeguards as appropriate to approve variances, and (4) to deny variances which are not in harmony with the purpose and intent of this Ordinance.

Section 801 – Procedure

Those seeking a variance shall follow the procedure outlined in this Ordinance. Any application not meeting these requirements shall not be granted by the Board of Adjustment.

1. Submit a written application for a variance indicating the Zoning District under which the variance is sought and stating the grounds on which it is requested based on the criteria in Section 802.
2. Submit a site plan showing the nature of the request as part of the application.
3. Once the City receives the application, adequate public notice shall be published as outlined in Section 803. When the public hearing is set and notice has been made, the City shall notify by mail the owner of the property for which variance is sought or his agent.
4. The Board of Adjustment shall hold a public hearing for review of the variance. The property owner or his agent may present the variance as applied for during this hearing. Any other party may appear in person, or by agent or attorney with concerns or comments regarding the application.
5. The Board of Adjustment shall make written findings that the reasons set forth in the application justify the granting of the variance and that the variance constitutes the minimum variance that will make possible the reasonable use of the land, building or structure. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.
6. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
7. Appeals regarding the Board of Adjustment's ruling shall be taken to the Mayor and Board of Aldermen within ten (10) days of the ruling.

Section 802 – Review Criteria

Before any variance shall be granted, the Board of Adjustment shall make written findings certifying compliance with the specific rules governing individual variances and that satisfactory provision and arrangement has been made concerning the review criteria determined by this Ordinance. When reviewing a variance application, the following criteria should be discussed:

1. Special conditions and circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. Any literal interpretation of the provisions of this Ordinance that would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
4. Special conditions and circumstances do not result from the actions of the applicant.
5. Under no circumstances shall the non-conforming use of neighboring lands, structures, or buildings in the same district and permitted or non-conforming use of lands, structures, or buildings in other districts be considered grounds for the issuance of a variance.

Section 803 – Public Notification and Public Hearing

No such action may be taken regarding a variance until after a public hearing is held, at which interested parties and citizens shall have an opportunity to be heard. Public notice shall be provided at least fifteen (15) days in advance by the methods outlined below, all of which provide the date, time and place of the hearing.

Public notice shall be provided by the following methods:

1. Published in a newspaper of general circulation within the City of Carthage at least fifteen (15) days before the public hearing shall be held.
2. An 8.5 x 11 notice shall be displayed in City Hall and one other public place advertising the public hearing as described below.
3. A sign posted on a conspicuous place on the property for which the application has been submitted. The sign shall be minimum 3 feet by 3 feet with letters legible from the nearest street. The background of the sign shall be painted red with white letters. The sign shall contain the statement:

PUBLIC NOTICE
THIS PROPERTY IS BEING CONSIDERED FOR
A VARIANCE

Hearing Date, Time and Place

Request for (type of variance)

For more information contact the City Clerk's office.

Article IX - Zoning Amendments

Section 900 - General Provisions

The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. Amendments to this Ordinance or the Official Zoning Map are based upon a demonstrated need or extreme hardship upon the owners of the affected property. Amendments may be initiated by the Planning Commission, Mayor and Board of Aldermen or any person who owns property within the City of Carthage.

Section 901 - Procedure for Text Amendments

Application to amend this Ordinance text may be in the form of a proposal stating the current regulations and the proposed changes and stating the reasons for such change. A public hearing shall be held regarding any amendments to the Zoning Ordinance. Further guidelines are discussed herein.

Section 902 - Procedure for Map Amendments

Those seeking a zoning map amendment shall follow the procedure outlined in this Ordinance. Any application not meeting these requirements shall not be granted. All applications for amending the Official Zoning Map shall be submitted by the owner, or the authorized agent of the owner, of the affected property.

1. Submit an rezoning application form to the City Clerk's office and include the following:
 - a. Written statements addressing the criteria discussed in Section 903.
 - b. A legal description of land proposed for rezoning.
 - c. A plat showing the dimensions, acreage, and location of land.
 - d. The present and proposed zoning classification for the tract and the present zoning classification for adjacent land.
 - e. The exact, intended use for the land or structure.
 - f. Any other information required by the Building Inspector.
 - g. An application fee of \$50.00 plus the cost of publishing the notice for the public hearings including the legal description of the subject land, except when the application is made by a governmental agency.
2. The City Clerk's office shall submit complete rezoning applications to the Planning Commission within five (5) working days of receipt of the application.
3. The application shall be reviewed by the Planning Commission within thirty (30) days. The Planning Commission may hold a public hearing (subject to requirements of Section 904) if necessary or desired. If so, proper notice shall be filed before the Planning Commission meeting.
4. The Planning Commission shall review the application and make a written recommendation to the Mayor and Board of Aldermen. Once the Planning Commission has made a written recommendation, the rezoning application shall then go before a public hearing and before the Mayor and Board of Aldermen. Public hearing requirements and publication shall follow procedures outlined in Section 904.
5. Applications for amendments which fail to receive Board approval shall not be resubmitted before twelve (12) months has passed.

Section 903 – Review Criteria

The Mayor and Board of Aldermen as well as the Planning Commission shall review rezoning applications with respect to the following evidence and with respect to State law. State law requires that amendments to the Official Zoning Map shall be supported by clear and convincing evidence that (1) there was a mistake in the original zoning, (2) the character of the neighborhood has substantially changed and warrants rezoning, or (3) there is a public need for rezoning.

In addition to State law requirements, the zoning map amendment shall be subject to the following evidence:

1. How the proposed application conforms to City's Comprehensive Plan?
2. Why did the City's Comprehensive Plan not anticipate such changes?
3. What is proposed in detail?
4. Why the existing zoning is inappropriate?
5. Why the proposed zoning is appropriate?

Section 904 – Public Notification and Public Hearing

No such action may be taken regarding a zoning amendment until after a public hearing is held, at which interested parties and citizens shall have an opportunity to be heard. Public notice shall be provided at least fifteen (15) days in advance by two different methods both of which provide the date, time and place of the hearing.

Public notice shall be provided by the following methods:

1. Published in a newspaper of general circulation within the City of Carthage at least fifteen (15) days before the public hearing shall be held.
2. A sign posted on a conspicuous place on the property for which the application has been submitted. The sign shall be minimum 3 feet by 3 feet with letters legible from the nearest street. The background of the sign shall be painted red with white letters. The sign shall contain the statement:

PUBLIC NOTICE
THIS PROPERTY IS BEING CONSIDERED FOR
REZONING

Hearing Date, Time and Place

Request to Rezone ___ acres from ___ Zoning District
to ___ Zoning District

For more information contact the City Clerk's office.

Section 905 – Majority vote required

When a proposed amendment is protested and signed by twenty percent (20%) or more of the owners, either of the lots included in such proposed change or of those immediately adjacent to the property under review as determined by extending a radius of 160 feet from all property lines, then such amendments shall not become effective except by the favorable vote of two-thirds of the Board of Aldermen.

Article X - Administration and Enforcement

X

Section 1000 - Purpose and Intent

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

Section 1001 - Building Permits and Certificates of Occupancy

Building Permits

All buildings and other structures in each zoning district, including manufactured homes, shall not be erected, moved, added to, or structurally altered without a building permit, issued by the Building Official and the City Clerk. For properties located in the Carthage Historic District, see additional process requirements in Article III.

Application Requirements

An application for a building permit shall be filed with the Building Official and include:

1. The required fee
2. The names of the owners.
3. The present zoning classification.
4. The expected completion date of any construction.
5. The existing and proposed use of the buildings and land.
6. A plot diagram preferably on a sheet of 8.5 by 11 inch paper which shall indicate the following:
 - a. The actual dimensions and shape of the lot to be built upon or changed in its use, in whole or in part.
 - b. The location and size on the lot of every existing building or structure, if any, and an indication of the height of existing buildings or structures.
 - c. Existing and proposed streets and street names, if known.
 - d. The location and size of the proposed building or structures and indication of the height of the proposed buildings or structures.
 - e. Such other information as the Building Official may require as necessary to satisfy the provision of this Ordinance, the adopted Building Codes and other codes and ordinances.
 - f. The Building Official may also require a boundary line survey if necessary, prepared by a qualified surveyor.
7. Such other information as may be necessary to determine conformance with and provide for the enforcement of this Ordinance and other pertinent laws and ordinances.

Approval

In order to receive a building permit, conditions shall be in conformity with the provisions of this Ordinance, the adopted Building Codes, and other applicable laws, unless the Building Official receives a written order from the Mayor and Board of Aldermen or the Board of Adjustment in the form of an administrative review, special exception or variance as provided by this Ordinance.

All building permits shall be posted in a prominent location at the site during the construction or during the conversion or relocation of a building or structure.

Disapproval

If the application for a building permit and the plans filed therewith describe construction which does not conform to the requirements of this Ordinance, the adopted Building Codes and other pertinent laws or ordinances, the Building Official shall not issue a permit. The Building Official shall notify the applicant within seven (7) days.

Failure to notify the applicant of such refusal within seven (7) days shall entitle the applicant to submit his request to the Board of Adjustment. Such refusal shall always be in writing and shall contain detailed explanations. If plans are required in accordance with this Ordinance or other codes or ordinances, one copy of said plans shall be returned to the applicant after the Building Official has marked such copy as "DISAPPROVED" and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be held by the Building Official.

Time period

Any building permit issued in accordance with this Ordinance and the adopted Building Codes shall become invalid unless the work authorized by it shall have been commenced within ninety (90) days after its issuance, or if the work commenced; except that, for cause, one or more extensions of time, for periods not exceeding ninety (90) days, may be allowed (order to be in writing), by the Building Official.

Certificates of Occupancy

A Certificate of Occupancy shall be issued by the Building Official upon final inspection of the constructed or altered building, or converted use. Certificates of Occupancy are also required for any conversions of land or structures to a use different from that for which it was being used at the time of adoption or amendment of this Ordinance. The Building Official shall maintain a record of all Certificates of Occupancy, and a copy shall be furnished to the owner of the structure or land.

All new structures or buildings, all major alterations of buildings or structures (alterations which substantially affect major load-bearing members such as exterior walls, columns, girders, beams or trusses) shall not be occupied or otherwise utilized until a Certificate of Occupancy has been issued by the Building Official.

Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance, and punishable under this Ordinance.

Section 1002 - Duties of the Building Official

The Building Official of the City of Carthage shall administer and enforce this Zoning Ordinance in accordance with the provisions herein:

1. Maintain the Official Zoning Map in good and useful condition and properly record on the Map all of the amendments to the Ordinance that change the boundaries of the zones or districts.
2. Provide in conjunction with the City Clerk's office application forms and other forms relating to this Ordinance.
3. Provide information, including copies of this Ordinance and/or schedule of district regulations, to the public on matters relating to zoning, subdivision regulations, and building codes.
4. Receive, review, and decide all applications for Building Permits and Certificates of Occupancy.
5. Check construction, alteration or use conversion performed to determine if the work or change meets the requirements before issuing a Certificate of Occupancy.
6. Appear before the Board of Adjustment, Planning Commission and Mayor and Board of Aldermen to furnish information helpful to these bodies in carrying out their assigned functions.
7. Make periodic checks for violations of this Ordinance and notifying in writing the person(s) responsible for violations of the Ordinance indicating the nature of the violation and ordering the action necessary to correct it. Such notification shall be by registered or certified mail or shall be delivered personally by the Building Official.
8. Initiate court action to prevent or halt violations of this Ordinance.
9. Advertise public hearings as required by this Ordinance. The Building Official may simply notify the City Clerk that advertisement of the public hearing is needed. The City Clerk may actually transmit the required notice to the appropriate newspaper or prepare notices.
10. Keep records pertaining to zoning matters.
11. Attend meetings of the Board of Adjustment, Planning Commission and Mayor of Board of Aldermen as needed.
12. Provide administrative interpretation as provided below:
 - In the event there is a question as to the general intent or specific meaning of any provision of the Zoning Ordinance text or of the boundaries or district designations or other matters relating to the Official Map, the Building Official shall have the power to make such administrative decisions and interpretation.
 - Said administrative interpretation shall in no manner be construed to include, or used in any way which would permit, the granting of a special exception, variance, or zoning amendment.
 - Appeals from the administrative interpretation by the Building Official shall be made to the Board of Adjustment as per Section 1007.

Section 1003 - Site Plan Requirements

A site plan is required for non-residential uses in all categories and required for manufactured home parks as well as multiple family residential establishments. See Article III for detailed requirements for each zoning district. Site plans are reviewed and approved by the Board of Adjustment. The Board of Adjustment has the right and authority to place conditions or safeguards as appropriate to the approval of the site plan. *For properties located in the Carthage Historic District, see additional process requirements in Article III.*

Procedure

1. Submit a site plan to be reviewed by the Board of Adjustment. The site plan shall have the following information (in addition to that required for a building permit):
 - a. Name and address of property owner and subject property
 - b. Vicinity map of surrounding property and roadways
 - c. Date, scale, north arrow
 - d. Existing Site Conditions
 - i. Boundary/property lines and property easements as surveyed by a licensed engineer or surveyor.
 - ii. Name and right-of-way width of roadways
 - iii. Adjacent property owner names and zoning of property
 - iv. General location and dimension of adjacent buildings
 - e. Proposed Site Layout
 - i. Points of access (ingress and egress) and their dimensions
 - ii. Location, dimension and size of proposed building(s)
 - iii. Location and dimension of required setbacks, parking spaces, drive aisles, etc.
 - iv. The number of parking spaces and the surface type of the parking lot
 - f. Landscape Plan - Where applicable, materials to be planted or installed, size at planting and maturity, spacing and method of planting. Such material shall adhere and make reference to the landscaping/screening standards adopted by the City of Carthage (see Article V).
 - g. Any other information that may be needed for review, evaluation, and approval.
2. The City shall distribute the site plan information to the Board of Adjustment within five (5) working days of the receipt of application.
3. The Board of Adjustment shall review the application within thirty (30) days.

Section 1004 - Duties of the Board of Adjustment

The duties of the Board of Adjustment shall include, but not necessarily be limited to:

1. Administrative review under which the Board of Adjustment hears and decides appeals from actions of the Building Official.
2. Taking action upon applications for Building Permits or Certificates of Occupancy which the Building Official did not act upon during the seven (7) calendar day limit.
3. Approving, denying, or modifying requests for Special Exceptions and Variances.
4. Holding public hearings with regard to Special Exceptions and Variances.
5. Reviewing site plans, for adherence to landscaping, architectural, parking and access requirements.

Section 1005 - Duties of the Planning Commission

The Planning Commission of the City of Carthage shall have the authority to:

1. Make recommendations to the Mayor and Board of Aldermen regarding rezoning applications.
2. Review and recommend changes to the Future Land Use Plan of the City of Carthage.
3. Update, annually, the Comprehensive Plan.
4. Review Preliminary and Final Subdivision Plats, for approval, modification, or disapproval.
5. Hold all initial public hearings, if necessary and desired, on matters related to the rezoning of land or changes to the text of the Zoning Ordinance.

Section 1006 - Duties of the Mayor and Board of Aldermen

The duties of the Mayor and Board of Aldermen shall include, but not necessarily be limited to:

1. Administrative review under which the Mayor and Board of Aldermen hears and decides appeals from actions of the Board of Adjustment (including Special Exceptions, Variances, Building Permits, Certificates of Occupancy and any other decisions of the Board of Adjustment).
2. Final authority to approve, deny, modify, or otherwise change applications for amendments (to the text or Official Zoning Map).
3. Holding all formal and legal public hearings on matters related to and in keeping with the provisions of the amending the Zoning Ordinance.

Section 1007 - Enforcement and Appeal Process

It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Building Official. Any appeals of the Building Official's decision shall be presented to the Board of Adjustment as required by the Ordinance. Further appeals from the Board of Adjustment's decisions shall be directed to the Mayor and Board of Aldermen. Any person or persons, or any board, taxpayer, department, or bureau of the City aggrieved by any decision of the Mayor and Board of Aldermen may seek review by the courts in the manner provided by the laws of the State of Mississippi.

Section 1008 - Schedule of fees, charges, and expenses

The Mayor and Board of Aldermen shall establish a schedule of fees, charges, and expenses and a collection procedure for Building Permits, Certificates of Occupancy, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the City Clerk and may be altered or amended only by the Mayor and Board of Aldermen.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 1100 - Interpretation

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- The word shall is mandatory; the word may is permissive.
- The words used or occupied include the words intended, designed, or arranged to be used or occupied.
- The word lot includes the words plot or parcel.

Section 1101 - Definitions

Access (Accessway). A way of approaching or entering a property. Includes ingress, the right to enter, and egress, the right to leave.

Accessory Dwelling Unit (Garage Apartment, Mother-in-law Apartment). A separate and complete dwelling unit that is contained on the same lot as the structure of a single-family dwelling.

Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, excluding driveways, sidewalks and fences.

Alley. A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

Apartment. A dwelling unit located in a multiple family structure for occupancy by one family only, either rented or leased to the occupants. An apartment may not be owned by the occupant.

Architectural Planter. A permanent container within which plantings may be placed.

Assembly Facility. Privately owned buildings where members regularly meet, socialize, or discuss civic issues. Uses include but may not be limited to religious institutions and non-religious institutions such as private clubs, lodges, country clubs, union halls and private assembly halls.

Assisted Living Facility. A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

Base Flood Elevation. The elevation shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent of greater chance of being equaled or exceeded in any given year.

Basement. The portion of a building between the floor and ceiling which is wholly or partly below grade and having more than one-half of its height below grade.

Block. A parcel of land, intended to be used for urban purposes which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels or a combination thereof.

Board of Adjustment. A board appointed by the Carthage Mayor and Board of Aldermen, and designated as the quasi-judicial body handling variances and special exceptions, landscaping, parking and access requirements and taking appeals on building permits and certificates of occupancy.

Board of Aldermen. The legislative body elected by the citizens and empowered to make policy decisions and law.

Bed and Breakfast. A private, owner-occupied business with up to ten guest rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed and breakfast is operated primarily as a business.

Bufferyard. An area providing sight and sound screening from adjoining properties and which acts as a buffer or separation area between uses incompatible due to design, function, use or operation. A bufferyard may include landscape materials, fences, walls, berms, etc.

Buildable Area. The portion of a lot remaining after required setbacks have been provided.

Building. A structure of more or less permanent construction, having a roof and intended to be used for sheltering people, animals, property, or business activity.

Building, Addition to. Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.

Building, Alteration of. Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, any addition to a building or movement of a building from one location to another.

Building Height. The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface.

Building, Main. A building which houses the principal use of the lot on which it is situated.

Building Official. A person designated by the Mayor and Board of Aldermen, who is responsible for issuing building permits, certificates of occupancy, and inspections pursuant thereto.

Building Site. A single parcel of land occupied or intended to be occupied by a building or structure, and appropriate accessory buildings or uses.

Buildable Width. Width of the building site left after the required setbacks have been provided for.

Certificate of Occupancy. An official certificate, issued by the Building Official, which certifies that a structure and its use is in conformance with the Zoning Ordinance. Also known as a Change of Use Permit, when issued for a change of use. Issued also when a building that has been constructed, reconstructed, or relocated is safe for occupancy.

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

Child Day Care Facilities, commercial. A facility for the care and protection of children operated for a fee as a commercial enterprise.

Child Day Care Facilities, non-commercial. A facility for the care and protection of children operated by a religious organization or other public/quasi-public organization or agency (with or without a fee), or operated in a private residence for a fee. When operated by a religious organization or public/quasi-public organization or agency, there shall be no limitation on the number of children cared for by such nursery on the average day; however, when such facility is operated in a private residence, no more than twelve children shall be cared for by the operator of the nursery on the average day.

Cluster Housing Development. A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Communication Towers. A tower, pole, or similar structure that supports a telecommunications antenna used for receiving and relay of communication signals and operated for commercial purposes above ground in a fixed location, freestanding, guyed or on a building or other structures.

Comprehensive Plan. A document setting forth policies for the future of the community. It is the result of considerable study and analysis of existing physical, economic, and social conditions, and a projection of future conditions. It serves as a guide to many public decisions, especially land use changes.

Conforming Use. Any lawful use of a building or lot or combination of the two, which complies with the provisions of this development ordinance.

District. Any zoning district established by this development ordinance.

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

Two-family Dwelling (Duplex). A dwelling designed to be occupied by two families living independently of each other. A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell to both dwelling units.

Single Family Dwelling. A detached or attached site built, residential dwelling unit designed for and occupied by one family only.

Multiple Family Dwelling. A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Easement. A grant of one or more of the property rights by the property owner to and/or for the use of the public, a corporation, or another person or entity. Title is kept with the property owner.

Eminent Domain. The legal right of government to acquire or "take" private property for public use or public purpose upon paying just compensation to the owner.

Engineer, City. A person registered as a professional engineer in the State of Mississippi and as designated by the Mayor and Board of Aldermen.

Engineer. A person registered as a professional engineer in the State of Mississippi.

Extended Care Facility. (See Nursing Home.)

Family. One or more persons occupying a single dwelling unit, provided that all members are related by blood or marriage. Domestic employees working on the premises may be housed there without being counted as family or families.

Finished Floor Elevation. The required first floor elevation of any building constructed within the 100 year floodplain. It is measured from the FEMA determined base flood elevation.

Flood Insurance Rate Map (FIRMs). An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodplain. Any land area susceptible to being inundated by water from any source. Areas with a 1% chance of flooding in any given year are called the 100-year floodplain..

Floodway. The channel of a river or watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Development within the floodway is prohibited.

Floor Area. The square feet of floor space within the outside line of walls and including the total of all space on all floors of a building used for dwelling purposes.

Game Room. Any business establishment designed primarily for providing entertainment in the form of games, including video games and pool, for a fee.

Garage, Private. An accessory building or a part of a main building used for storage purposes for one or more automobiles.

Garage, Public. Any building other than a private garage, available to the public for the care, servicing, repair, or equipping of automobiles or where such vehicles are parked or stored for remuneration, hire or sale.

Garage, Storage. A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

Gasoline, Service or Filling Station. Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, and installation of other minor automobile accessories, and which may or may not included facilities of for lubricating, washing, or cleaning.

Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the structure.

Hard Landscape. Other than natural materials, such as walks, patios, and street furniture used in landscape treatment.

Hobby. An accessory use carried on by the occupant of the premises in a shop, studio or other work room, purely for personal enjoyment, amusement or recreation; provided, that the articles produced or constructed in a shop, studio or work room are not sold either on or off the premises, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

Home Occupation. Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or an accessory building.

Hotel or Motel. A building containing sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation.

Junk. The term "junk" is defined to mean and shall include scrap metals of any type, scrap wood, cloth, rubber, rope, bones, glass; used tools, appliances, fixtures, utensils, boxes, crates, pipe or pipe fittings, automobile parts, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition. Anything subject to being dismantled for junk.

Landscaping. To modify or ornament a natural landscape by altering the plant cover, including the addition of lawns, trees, plants and other natural or decorative features. Landscape treatment can include walks or patios.

Loading Space, off-street. Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

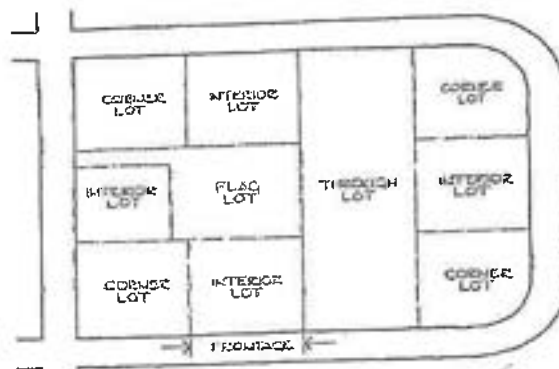
Lot. For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as required. Such lot shall have frontage on an improved public street or on an approved private street.

Corner lot. Defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

Flag lot. A lot not meeting minimum lot width requirements and where access to a public or private street is provided by a long, narrow strip of land.

Interior lot. Defined as a lot other than a corner lot with only one frontage on a street.

Through lot or Double Frontage lot. Defined as a lot other than a corner lot with frontage on more than one street.



Source: *A Planners Dictionary* PAS report 521/522 (2004)

Lot Coverage. The percentage of the lot area covered by the buildings, driveways, parking areas, roads, sidewalks, etc.

Lot Frontage. The portion of a lot that abuts a public or private street. For purposes of determining yard/setback requirements on corner lots, all sides of a lot adjacent to a street shall be considered frontage, and yards/setbacks shall be provided as indicated within this Ordinance.

Lot Measurements. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in fronts and the rearmost points of the side lot lines in the rear. Width of a lot shall be considered to be the distance between side lot lines measured at the front setback line.

Lot of Record. A lot which is part of a subdivision recorded in the Office of the Chancery Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Manufactured Home. A factory manufactured movable home as provided in Section 75-49-3, Mississippi Code of 1972, Annotated. Also a residential dwelling, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. Manufactured Homes are defined by and shall be constructed in accordance with, the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and manufactured after June 14, 1976. For the purposes of this ordinance, this definition excludes Mobile Homes and Modular Homes as defined below.

Foundation. The site built or constructed supporting parts upon which the manufactured home is placed including, but not limited to, concrete footings, piers, ground anchors, tiedowns, etc.

Perimeter skirting. The exterior material(s) used to enclose the crawlspace of a manufactured home for the purpose of visually and physically screening the foundation.

Manufactured Home Park. A site with required improvements and utilities for the long-term parking of more than one manufactured home which may include services and facilities for the residents.

Mini-Storage. A facility that provides lease space for storage of personal and business items.

Mobile Home. Under Section 75-49-3, Mississippi Code of 1972, Annotated, a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.). It is a structure that is transportable in one or more sections, that, in the traveling mode, is eight (8) body feet or more in width and thirty-two(32) body feet or more in length, or, when erected on site, is two hundred fifty-six (256) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning and electrical systems contained therein.

Modular Housing. A dwelling unit constructed on-site in accordance with the Building Codes and composed of components substantially assembled in an off-site location and transported to the building site for final assembly on a permanent foundation. This type of residential unit may also be referred to as a factory built home but does not include a manufactured home, recreational vehicle, or mobile home.

Mulch. Non-living, small, aggregate material such as compost, bark or pine needles used as ground cover.

Neighborhood Convenience Store. A commercial establishment operating for the sale of retail goods such as groceries and incidentals, primarily serving a neighborhood, as opposed to the entire community or a region.

Nonconforming lot. A lot, the area, width, or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was conforming prior to enactment of the Zoning Ordinance.

Nuisance. An obnoxious use of land that either threatens the public health, safety, and welfare or interferes with the adjacent property owner's enjoyment and use of land.

Nursing Home. A privately operated establishment where maintenance and personal care or nursing care are provided for persons who are unable to care for themselves properly.

Outdoor Advertising Business. Provision of outdoor displays or display space on a lease or rental basis only.

Panelized House. A house which uses factory-made panels, a whole wall with windows, doors, wiring, or outside siding, for example, brought to the building site on a flat-bed carrier and erected or assembled there.

Parking Area (Parking Lot). A parking area or lot is an area consisting of at least the minimum number of parking spaces required by Article IV.

Parking Bay. The parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

Parking Space, Off-street. For the purposes of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that an automobile may be parked and unparked without moving another.

Patio Home. (See "Zero Lot Line".)

Permitted Use. A use by right which is specifically authorized in a particular zoning district.

Planning Commission. The Planning Commission appointed by the Mayor and Board of Aldermen of the City of Carthage, Mississippi.

Planned Unit Development. A form of development usually characterized by a unified site design for number of housing units, clustering buildings and providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

Planting Screen. Densely planted vegetation used to visually shield or obscure abutting or nearby structures or uses from other uses or structures. (See also Bufferyard)

Plat. A map, generally of a subdivision, showing the location, boundaries, and ownership in individual properties.

Preliminary Plat. A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicated the suitability of the proposed subdivision of land.

Final Plat. A map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and block streets, alleys, public areas and other dimensions of land.

Plot. An indefinite term usually referring to a piece of usable property, often used synonymously with parcel or site.

Pool Hall. (See Game Room.)

Police Power. The authority of government to exercise controls to protect the public's health, safety, morals, and general welfare.

Premises. Land together with structure or structures occupying it or them.

Principal Use. The main use of land or structures as distinguished from a secondary or accessory use.

Public Hearing. A meeting held for the review of a matter or matters where opinion may be presented by the public. These hearings may take place during the regular Planning Commission and/or Board of Supervisor meetings and are held according to state laws.

Public/Quasi-public use. Any facility including but not limited to buildings, property, recreation areas, and roads, which are leased, owned or otherwise operated by the City, County, State, or Federal government. Also, a use which involves as its primary purpose, the administration of a required government program or a government regulatory program.

Redevelopment. The voluntary demolition or removal of the principal structure or 75% or more of the impervious surface of a site.

Restaurant, Drive-In. Any place or premises used for sale, dispensing, or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Restaurant, Drive-thru (Fast Food). An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises.

Restaurant, Dine-in. An establishment whose principal business is the sale of food and beverage for consumption on premises, primarily inside the building at tables or booths.

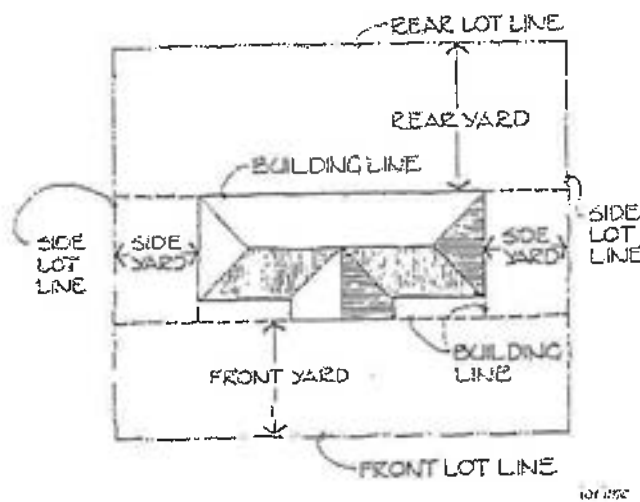
Rezoning. An amendment to or a change in the zoning ordinance. Rezoning can take three forms; (1) a comprehensive revision or modification of the zoning text and map; (2) a text change in zone requirements; and (3) a change in the map, i.e., the zoning designation of a particular parcel or parcels.

Right-of-way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses, or, generally the right of one to pass over the property of another.

Right-of-way line. The lines that form the boundaries of the right-of-way.

Satellite Dish. A dish-shaped tractable device for receiving microwave transmission.

Setback (Building line). The minimum distance prescribed by this Ordinance between any property line and the closest point of the foundation or any supporting post of any related building or structure. Also referred to as the building line which is offset from the corresponding property line. Setbacks, or building lines, create yards,



Source: A Planners Dictionary, PAS report 521/522 (2004)

Shade Tree. Any self-supporting woody plant which normally grows to an overall height of at least twenty-five (25) feet and normally develops an average mature spread of crown greater than twenty (20) feet in Central Mississippi.

Shopping Center. A group of commercial establishments, often planned, developed and managed as a unit, with adequate off-street parking facilities provided on the property and related to its location, size and the type of stores.

Shrub. A woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base.

Sidewalk. The portion of a street or crosswalk, paved or otherwise surfaces, intended for pedestrian use only.

Sign. Any device, fixture, or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sight Triangle. A triangular-shaped portion of land formed by the right of way lines abutting the intersection and a line connecting points on these street lot lines at a distance of thirty-five (35') feet from the point of intersection of each right of way line. In this area there are restrictions on things erected, placed or planted which would limit or obstruct the sight distance of motorists entering or leaving the intersection.

Soft Landscape. Natural materials used in landscape treatment.

Special Exception. A special exception 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 neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, general welfare. Such uses may be permitted in such zoning district as special exceptions, if specific provision to such special exception is made in this zoning ordinance.

Spot Zoning. Zoning a relatively small area differently from the zoning of the surrounding area, usually for an incompatible use and to favor the owner of a particular piece or pieces of property.

Story. That part of a building 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 ceiling next above it and including those basements used for principal uses.

Street. Any vehicular way which: (1) is an existing state, county or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning Board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved.

Arterial Street. Streets and roadways which are used primarily for fast or heavy traffic and that form a part of the existing or projected Federal Aid Highway System, the State Highway System, or the City Street System.

Collector Street. A street which carries traffic from minor streets to the major streets in residential and business areas and may include the principal entrance streets of a residential development and streets for circulation within such a development.

Cul-de-sac Street. A minor street with a turn-around and permanently closed to through traffic and use primarily for access to the abutting properties.

Frontage or Service Street. A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas for control of access and protection from through traffic.

Major Street. A street which provides easy access to the various traffic generators within the city or county and to the arterial highway system.

Minor Street. A street which is used primarily for access to the abutting properties.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, factory built homes, walls, fences, billboards, and signs.

Subdivider. Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

Subdivision. The division or re-division of land into two or more lots, tracts, sites or parcels of less than three (3) acres in area for the purpose of transfer of ownership for development, or the dedication or vacation of a public or private right-of-way or easement.

Townhouse or Townhome. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Travel Trailer. A vehicular, portable structure build on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

Tree. Any self-supporting woody plant of a species which normally grows to an overall height of at least twelve (12) feet and normally develops an average mature spread of crown greater than twelve (12) feet in Central Mississippi.

Use. The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

Utility. A commodity or service which is of public consequence and need, such as electricity, gas, sewer, water, transportation, or telephone or telegraph service.

Variance. A variance is a relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

Vehicular Use Areas. Those areas consisting of the parking lot or area, ingress and egress points and vehicular aisles.

Vines. Any of a group of weedy or herbaceous plants which may climb by twining, or which normally require support to reach mature form.

Yard. A required open space on the same lot with a building or building group lying between the front, rear, or side wall of a building and the nearest lot line or street right-of-way, unoccupied except for projections and open space or front yard landscaping. (See also Setback.)

Zero Lot Line. The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line. The side of the house sitting on the lot line does not have windows to ensure privacy.

Appendix A Bulk Regulation Chart

Zoning District	Minimum Requirements							Maximum Requirements	
	Lot/Parcel Size	Lot Width	Front Setback	Side Setback ¹	Rear Setback	Building Separation	Open Space	Building Height	Density
A-1	1 acre	150 feet	35 feet	15 feet	30 feet	-	-	40 feet	1 du/ac
R-1	10,000 sf	75 feet	25 feet	10 feet	20 feet	-	-	40 feet	4.4 du/ac
R-2	7,500 sf	60 feet	20 feet	5 feet ²	20 feet	-	-	40 feet	5.8 du/ac
R-3 (Townhomes)	6,000 sf (end unit) 3,500 sf (interior units)	None	20 feet	10 feet (end unit) 0 feet (interior units)	20 feet	20 feet	10%	40 feet	6 du/ac
R-3 (2-4 Multi Family)	10,000 sf (duplex) 13,000 sf (triplex) 16,000 sf (quadraplex)	75 feet	20 feet	10 feet	20 feet	20 feet	10%	40 feet	8 du/ac
R-4	2 acres	100 feet	30 feet	20 feet	25 feet	20 feet	10%	45 feet	12 du/ac
MHP (Park Regulations)	2 acres	100 feet				-	10%	-	6 du/ac
MHP (Lot Regulations)	5,000 sf	50 feet	20 feet	10 feet	15 feet	-	-	-	6 du/ac (single family) 12 du/ac (multiple family)
PUD	4 acres	100 feet	Refer to the comparable zoning district				15%		
C-1	Refer to the Form-based Regulations in Article III								
C-2	None	70 feet	25 feet	10 feet	20 feet	-	-	-	-
C-3	None	70 feet	25 feet	10 feet	20 feet	-	-	-	-
I-1	None	70 feet	30 feet	20 feet	30 feet	-	-	-	-
I-2	None	100 feet	30 feet	50 feet	50 feet	-	-	-	-
HD	Refer to underlying Zoning District for Bulk Regulations								
FP	Refer to underlying Zoning District for Bulk Regulations								

Notes:

¹ Side setbacks on corner lots shall match the front setback requirement.

² Patio Homes as permitted in R-2 are regulated with a 0/10 foot side setback. When one side has a zero setback, the opposite side shall have a 10 foot setback.

Appendix B- Permitted Use Chart

Uses	A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2	C-3	I-1	I-2
Residential Uses											
Single-family detached	P	P	P	-	-	-	-	-	-	-	-
Patio/Zero-lotline home	-	-	P	-	-	-	-	-	-	-	-
Single-family attached	-	-	-	P	-	-	-	-	-	-	-
Townhome	-	-	-	P	-	-	-	-	-	-	-
Two-family dwellings/Duplex	-	-	-	P	-	-	-	-	-	-	-
Residential units above commercial	-	-	-	-	-	-	SE	-	-	-	-
Multiple-family dwelling (triplex, quadraplex, etc.)	-	-	-	P	-	-	-	-	-	-	-
Multiple-family dwelling (apartment buildings)	-	-	-	-	P	-	-	-	-	-	-
Boarding/Rooming House	-	-	-	-	P	-	-	-	-	-	-
Nursing home/extended care facility	-	-	-	-	P	-	-	-	-	-	-
Assisted living facility	-	-	-	-	P	-	-	-	-	-	-
Manufactured Home, double-wide	-	-	-	-	-	P	-	-	-	-	-
Manufactured Home, single-wide	-	-	-	-	-	P	-	-	-	-	-
Modular or Panelized Home	-	-	-	-	-	-	-	-	-	-	-
Home Occupation	SE	SE	SE	SE	-	SE	-	-	-	-	-
Child day care facilities, non-commercial	SE	SE	SE	SE	-	SE	P	P	-	-	-
Accessory Uses											
Accessory dwelling unit/mother-in-law suite	P	SE	SE	-	-	-	-	-	-	-	-
Private swimming pool	P	P	P	P	-	P	-	-	-	-	-
Private tennis court	P	P	P	P	-	P	-	-	-	-	-
Private greenhouse/garden	P	P	P	P	-	P	-	-	-	-	-
Private detached garage	P	P	P	-	-	P	-	-	-	-	-
Residential storage building	P	P	P	-	-	P	-	-	-	-	-
Satellite dish	P	P	P	P	P	P	-	-	-	-	-
Community swimming pool	P	P	P	P	P	P	-	-	-	-	-
Community tennis court	P	P	P	P	P	P	-	-	-	-	-
Community garden/greenhouse	P	P	P	P	P	P	-	-	-	-	-
Community playground	P	P	P	P	P	P	-	-	-	-	-
Uses found in Multi-family complex	-	-	-	-	P	-	-	-	-	-	-
Any other incidental use to principal use	P	P	P	P	P	P	P	P	P	P	P
Public/Semi-public Uses											
Golf course/country club	P	SE	-	-	-	-	-	-	-	-	-
Assembly facilities	P	SE	SE	SE	SE	-	-	P	P	-	-
Cemetery	P	SE	-	-	-	-	-	-	-	-	-
Recreation facilities	P	SE	SE	SE	SE	P	SE	SE	SE	-	-
Schools	P	SE	SE	SE	SE	-	SE	SE	SE	-	-
Public or quasi-public facility/utility	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Child day care facility, non-commercial	SE	SE	SE	SE	-	SE	P	P	P	-	-
Other public and private activity	P	SE	SE	SE	SE	SE	SE	SE	SE	-	-
Hospital	-	-	-	-	-	-	-	-	P	-	-
Medical out-patient clinic	-	-	-	-	-	-	-	P	P	-	-
Social assistance	-	-	-	-	-	-	-	P	P	-	-

Uses	A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2	C-3	I-1	I-2
Commercial Uses											
Antique Shop	-	-	-	-	-	-	P	P	P	-	-
Automobile/Vehicle Sales and Service	-	-	-	-	-	-	-	-	P	-	-
Bakery	-	-	-	-	-	-	P	P	P	-	-
Bank or Savings/Loan institution	-	-	-	-	-	-	P	P	P	-	-
Bed and Breakfast	SE	SE	SE	-	-	-	P	P	-	-	-
Building improvement product sales	-	-	-	-	-	-	-	P	P	-	-
Car Rental	-	-	-	-	-	-	-	-	P	-	-
Car wash	-	-	-	-	-	-	-	SE	P	-	-
Checking cashing establishments	-	-	-	-	-	-	-	-	P	-	-
Child day care facilities, commercial	SE	-	-	-	-	-	P	P	P	-	-
Department Store	-	-	-	-	-	-	-	-	P	-	-
Gasoline Station	-	-	-	-	-	-	-	SE	P	-	-
Grocery store, convenience store	-	-	-	-	-	-	P	P	P	-	-
Grocery store, less than 10,000 sf	-	-	-	-	-	-	P	P	P	-	-
Grocery store, more than 10,000 sf	-	-	-	-	-	-	-	P	P	-	-
Hardware store	-	-	-	-	-	-	P	P	P	-	-
Hotel/Motel	-	-	-	-	-	-	P	-	P	-	-
Manufactured Home dealer	-	-	-	-	-	-	-	-	SE	SE	-
Mini-storage warehouse	-	-	-	-	-	-	-	-	P	SE	-
Pawnshop	-	-	-	-	-	-	-	-	P	-	-
Pharmacy	-	-	-	-	-	-	P	P	P	-	-
Restaurants, dine-in	-	-	-	-	-	-	P	P	P	-	-
Restaurants, fast foot/drive-thru	-	-	-	-	-	-	-	-	P	-	-
Service stations/vehicle repair	-	-	-	-	-	-	-	-	P	-	-
Shopping Center	-	-	-	-	-	-	-	P	P	-	-
Specialty retail shop	-	-	-	-	-	-	P	P	P	-	-
Tattoo parlor	-	-	-	-	-	-	-	-	P	-	-
Title loan establishments	-	-	-	-	-	-	-	-	P	-	-
Truck stop/Terminal	-	-	-	-	-	-	-	-	SE	SE	-
Veterinary clinics/pet shop	-	-	-	-	-	-	-	P	P	-	-
Office/Non-Commercial Retail Uses											
<i>Professional Services</i>											
Accountant office	-	SE	SE	-	-	-	P	P	P	-	-
Attorney office	-	SE	SE	-	-	-	P	P	P	-	-
Medical and dental office	-	SE	SE	-	-	-	P	P	P	-	-
Radio/television studio/station	SE	-	-	-	-	-	P	P	P	-	-
Engineering/Architectural office	-	SE	SE	-	-	-	P	P	P	-	-
Insurance/Real Estate agency	-	SE	SE	-	-	-	P	P	P	-	-
Travel agency	-	SE	SE	-	-	-	P	P	P	-	-
Other professional offices, non-retail	-	SE	SE	-	-	-	P	P	P	-	-
<i>Personal Services</i>											
Funeral Homes	-	-	-	-	-	-	P	P	P	-	-
Hair styling shop	-	-	-	-	-	-	P	P	P	-	-
Photography studio	-	-	-	-	-	-	P	P	P	-	-
<i>Business Services</i>											
Advertising firm	-	-	-	-	-	-	P	P	P	-	-
Employment agency	-	-	-	-	-	-	P	P	P	-	-
Office supply company	-	-	-	-	-	-	P	P	P	-	-
Consulting Company	-	-	-	-	-	-	P	P	P	-	-
Newspaper publication	-	-	-	-	-	-	P	P	P	-	-
<i>Instructional Services</i>											
Art, music, dance, drama studio	-	-	-	-	-	-	P	P	P	-	-
Business school	-	-	-	-	-	-	P	P	P	-	-
Beauty school	-	-	-	-	-	-	P	P	P	-	-

Uses	A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2	C-3	I-1	I-2
Entertainment Uses											
Bowling lanes	-	-	-	-	-	-	-	-	P	-	-
Fitness/Gym facility	-	-	-	-	-	-	P	P	P	-	-
Game room	-	-	-	-	-	-	-	-	P	-	-
Movie theater, indoor	-	-	-	-	-	-	P	P	P	-	-
Pool hall	-	-	-	-	-	-	-	-	P	-	-
Recreational/entertainment enterprise	-	-	-	-	-	-	-	P	P	-	-
Skating rinks	-	-	-	-	-	-	-	-	P	-	-
Other similar entertainment uses	-	-	-	-	-	-	-	P	P	-	-
Agricultural Uses											
Forestry	P	-	-	-	-	-	-	-	-	-	-
Garden Shop	-	-	-	-	-	-	-	P	P	-	-
Keeping of livestock and fowl	P	SE	-	-	-	-	-	-	-	-	-
Horticultural use, on-premise sales	P	-	-	-	-	-	-	-	-	-	-
Horticultural use, no on-premise sales	P	-	-	-	-	-	-	-	-	-	-
Nursery/greenhouse	P	-	-	-	-	-	-	-	P	-	-
Veterinary hospital/kennel	SE	-	-	-	-	-	-	-	P	-	-
Extraction of minerals	SE	-	-	-	-	-	-	-	-	-	-
Industrial/Maufacturing Uses³											
<i>Light or limited manufacturing within enclosed buildings</i>										P	P
Assembly of products	-	-	-	-	-	-	-	-	-	P	P
Assembly, painting, upholstering of automobiles	-	-	-	-	-	-	-	-	-	P	P
Assembly, painting, upholstering of farm machinery	-	-	-	-	-	-	-	-	-	P	P
Assembly, painting, upholstering of furniture	-	-	-	-	-	-	-	-	-	P	P
Assembly, painting, upholstering of manufactured homes	-	-	-	-	-	-	-	-	-	P	P
Communication facilities	-	-	-	-	-	-	-	-	-	P	P
Fabrication of metal products	-	-	-	-	-	-	-	-	-	P	P
Manufacturing of apparel	-	-	-	-	-	-	-	-	-	P	P
Manufacturing of electrical appliances	-	-	-	-	-	-	-	-	-	P	P
Manufacturing of machinery, equipment and supplies	-	-	-	-	-	-	-	-	-	P	P
Manufacturing of pottery/ceramic products	-	-	-	-	-	-	-	-	-	P	P
Manufacturing of textile mill products	-	-	-	-	-	-	-	-	-	P	P
Processing/packaging of food products	-	-	-	-	-	-	-	-	-	P	P
Telephone microwave towers	-	-	-	-	-	-	-	-	-	P	P
Television and radio transmitters	-	-	-	-	-	-	-	-	-	P	P
Truck stop/terminal	-	-	-	-	-	-	-	-	-	P	P
Warehousing/enclosed storage	-	-	-	-	-	-	-	-	-	P	P
Dwellings for resident watchmen/caretakers	-	-	-	-	-	-	-	-	-	P	P
Other similar enterprises of same character	-	-	-	-	-	-	-	-	-	P	P
<i>Heavy manufacturing</i>											P
Mining, quarrying, crude petroleum/natural gas production	-	-	-	-	-	-	-	-	-	-	SE
Other similar enterprises of same character	-	-	-	-	-	-	-	-	-	-	P
Other Uses											
Junkyards/auto wrecking yards	-	-	-	-	-	-	-	-	-	-	SE
Communication Towers	SE	-	-	-	-	-	-	-	SE	-	-
"P" permitted by right											
"SE" permitted by special exception											
"-" not permitted											

Appendix C - Landscape Plate Chart

Development in Zoning District	Streetscapes				Bufferyards		
	Landscape Plate A 15 feet	Landscape Plate B 15 feet	Landscape Plate C 20 feet	Landscape Plate D 20 feet	Landscape Plate E 10 feet	Landscape Plate F 15 feet	Landscape Plate G 20 feet
A-1	Non-residential and Civic Uses				All development		
R-1	Non-residential and Civic Uses		All R-1 Subdivisions		All R-1 Subdivisions and Non- residential adjacent to Residential		
R-2	Non-residential and Civic Uses		All R-2 Subdivisions		All R-2 Subdivisions and Non- residential adjacent to Residential		
R-3	Non-residential and Civic Uses		All R-3 Subdivisions		All R-3 Subdivisions and Non- residential adjacent to Residential		
R-4	Non-residential and Civic Uses		All R-4 Subdivisions		Non-residential adjacent to Residential	All R-4 Subdivisions	
MHP			All MHP Subdivisions			All MHP Subdivisions	
PUD			All PUD Subdivisions			All PUD Subdivisions	
C-1		All downtown development				<i>No buffer required</i>	
C-2	All development				Non-residential adjacent to Non-Residential	Non-residential adjacent to Residential	
C-3				All development	Non-residential adjacent to Non-Residential		Non-residential adjacent to Residential
I-1				All development	Non-residential adjacent to Non-Residential		Non-residential adjacent to Residential
I-2				All development	Non-residential adjacent to Non-Residential		Non-residential adjacent to Residential

